
(2017) 07 RAJ CK 0014
In the Rajasthan High Court
Case No : 1122 of 2013

Jeet Singh S/o Bhag Singh

APPELLANT

Vs

State of Rajasthan

RESPONDENT

Date of Decision : 07-07-2017

Acts Referred:

[Limitation Act, 1963](#), [Section 5](#) -
Extension of prescribed period in certain cases

Citation : (2017) 07 RAJ CK 0014

Hon'ble Judges : Govind Mathur, Vinit Kumar Mathur

Bench : DIVISION BENCH

Advocate : JL Purohit, ?NR Budania, ?OP Boob

Final Decision : Dismissed

Judgement

1. This appeal is preferred to question correctness of the order dated 05.03.1998 passed by learned Single Bench in S.B. Civil Writ Petition No.1924/1989.

2. By the order aforesaid, learned Single Bench dismissed the petition for writ in light of the law laid down by a Division Bench of this court in D.B. Civil Writ Petition No.1602/1981 (Mangat Singh Vs. State & Ors.) decided on 26.08.1992.

3. The appeal is barred by limitation from 5,664 days.

An application is preferred under Section 5 of the Limitation Act to have condonation of the delay in filing the appeal. As per the averments contained in the application, the original petitioner Shri Jeet Singh preferred the petition for writ challenging an order

dated 11.05.1989 passed by the Board of Revenue, Rajasthan, Ajmer. After filing the petition for writ, Shri Jeet Singh felt ill in the year 1989-99 and ultimately died on 10.06.1999. In the meanwhile, he failed to keep contact with his counsel and as such he was not knowing anything about dismissal of the writ petition on 05.03.1998. The present applicant being legal heir of late Shri Jeet Singh preferred the instant appeal on knowing about the status of the case from the website of the High Court. In para 4 of the application, a bald statement is made that Shri Jeet Singh was ill in the year 1998-99, therefore, he could not contact the counsel and ultimately he died on 10.06.1999. Nothing is stated as to what was the ailment and what treatment Shri Jeet Singh availed and further that his condition was so serious that for good about a year and three months he was not in position to make contact with his counsel. No definite details too are given as to how the present applicants came to know about dismissal of the writ petition after a lapse of about 16 years.

4. In entirety, we do not find any just reason to grant the application seeking condonation of delay. The application is dismissed. In result, the appeal also stands dismissed.