



RAJASTHAN HIGH COURT
**HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JODHPUR**

(1) S.B. Civil Writ Petition No. 18308/2024

Ajeet Singh Rathore S/o Shri Raju Singh Rathore, Aged About 32
Years, R/o Shardapuram Colony, District Nagaur (Raj.).

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of Revenue, Govt. Of Rajasthan, Jaipur.
2. Registrar, Board Of Revenue For Rajasthan, Ajmer.
3. District Collector, Land Records, District Nagaur (Raj.).

-----Respondents

Connected with

(2) S.B. Civil Writ Petition No. 18435/2024

Om Prakash S/o Dharma Ram, Aged About 36 Years, R/o V/p-
Ubasi, Teh.-Jayal, District Nagaur (Raj.)

-----Petitioner

Versus

1. State Of Rajasthan, Through Principal Secretary,
Department Of Revenue, Govt. Of Rajasthan, Jaipur
2. Registrar, Board Of Revenue For Rajasthan, Ajmer
3. District Collector, Land Records, District Nagaur (Raj)

-----Respondents

For Petitioner(s) : Mr. Dinesh Jain

For Respondent(s) : Mr. S.R. Paliwal

JUSTICE DINESH MEHTA

Order

25/11/2024

1. By way of present writ petitions, the petitioners have
challenged the separate orders dated 27.09.2024, which has been
passed by the Rajasthan Civil Services Appellate Tribunal, Jodhpur



(hereinafter referred to as 'the Tribunal'), wherein appeals filed by the petitioners being Appeal Nos.266/2024 and 265/2024 respectively, have been dismissed for want of prosecution.

2. Mr. Jain, learned counsel for the petitioners submitted that the Tribunal had been pleased to pass interim orders in favour of the petitioners on being satisfied about the merit of the case, however, simply because the counsel for the petitioners omitted to file requisite PF and notices for service upon respondents, the learned Tribunal has rejected the appeals for want of prosecution.

3. Learned counsel argued that petitioners' counsel appearing in the Tribunal, bonafidely failed to file notices and for such lapse/inadvertence, the Tribunal ought not to have dismissed the appeals.

4. Mr. Paliwal, learned Government Counsel submitted that having obtained the interim orders from the Tribunal, the counsel for the petitioners chose not to file notices and therefore, the Tribunal was justified in dismissing the appeals for want of prosecution.

5. Heard learned counsel for the parties and perused the material available on record.

6. It is to be noted that by way of separate orders dated 22.08.2024, the Tribunal has issued notices and granted interim orders in petitioners' favour. True it is, that counsel for the petitioners failed to furnish notices for service upon the respondents, but for such failure, the Tribunal was not justified in rejecting the appeals at the first instance.



7. At times on account of bonafide mistake or otherwise, the appellant's counsel may omit to furnish the requisites, but the Tribunal should apply justice oriented approach instead of applying hyper-technical approach.

8. Hon'ble the Supreme Court in catena of judgments, including in the case of *Ashok Kumar Vs. New India Assurance Co. Ltd*, reported in 2023 INSC 659 has held that for the fault of the advocate, litigant cannot be made to suffer.

9. The orders impugned dated 27.09.2024 passed in petitioners' appeals being Appeal Nos.266/2024 and 265/2024 respectively, are hereby quashed and set aside and these appeals are restored to dockets of the Tribunal.

10. The petitioners shall file notices within a period of one week before the office of the Tribunal, whereafter the Registry of the Tribunal shall issue the same and decide the appeals in accordance with law.

11. The present writ petitions so also stay applications stand disposed of, accordingly.

(DINESH MEHTA),J

17-18-akansha/-