



2026:AHC:41050

HIGH COURT OF JUDICATURE AT ALLAHABAD

WRIT - C No. - 5127 of 2026

Ram Singh

.....Petitioner(s)

Versus

State Of Up And 8 Others

.....Respondent(s)

Counsel for Petitioner(s)	: Om Prakash Chaube, Shravan Kumar Mishra
Counsel for Respondent(s)	: C.S.C., Deepak Gaur

Court No. - 6

HON'BLE PRAKASH PADIA, J.

1. Learned counsel for the petitioner is permitted to implead Additional Commissioner (Judicial), Jhansi Division, Jhansi as respondent no.10 during the course of the day.
2. Heard learned counsel for the petitioner, learned Standing Counsel for the respondent-State and Sri Deepak Gaur, learned counsel for the respondent no.4.
3. In view of the order proposed to be passed herein, no useful purpose would be served by putting the respondent/respondents to notice and keeping this petition pending before this Court. However, in case respondent/respondents feels aggrieved by the order his/her right to seek modification/variation of the order is being kept reserved.
4. The proceedings under Section 34 of the U.P. Revenue Code, 2006 was initiated by one Indal Singh father of the private respondent, which was registered as Case No.00623/2018. The said proceedings was dismissed for want of prosecution vide order dated 24.07.2024 passed by the respondent no.3-Tehsildar, Tehsil-Jalaun, District Jalaun. Aggrieved against the aforesaid legal heirs of the deceased Indal Singh filed a restoration application on 02.09.2024. The said restoration application was allowed by the respondent no.3 vide order dated 24.07.2025. Aggrieved against the aforesaid a revision as filed under Section 210 by the petitioner, which was rejected by the Additional Commissioner (Judicial), Jhansi Division, Jhansi vide order dated December 31, 2025.

Aggrieved against the aforesaid petitioner has preferred present writ petition.

5. It transpires from perusal of the record that against the ex-parte order passed by the authorities restoration application was filed by the legal heirs of the deceased along-with an application for condonation of delay. The application for condonation of delay as well as restoration application was allowed vide order dated 24.07.2025 by the respondent no.3-Tehsildar, Tehsil-Jalaun, District Jhansi. Aggrieved against the aforesaid, petitioner has preferred a revision before the Commissioner, Jhansi Division, Jhansi as provided under Section 209 (ज) of the U.P. Revenue Code, 2006 on 26.07.2025. The aforesaid revision was rejected by the newly added respondent no.10 vide order dated 31.12.2025. Aggrieved against the aforesaid petitioner has preferred present writ petition. It is stated in the order passed by the respondent no.10 that in the absence of learned counsel for the private respondents the case was dismissed for want of prosecution. The aforesaid order was recalled on 24.07.2024 and thereafter matter was placed for evidence on 04.08.2025. It is further stated in the order passed by the respondent no.10 that the cogent reasons were given in the restoration application filed by the private respondents.

6. It further transpires that the matter was dismissed for want of prosecution vide order dated 24.07.2024 and in order to recall the aforesaid order restoration application was filed on 02.09.2024. The reason for delay is also mentioned in the application for restoration. Even otherwise from perusal of the aforesaid two dates namely the date of order dated 24.07.2024 and the submission of the application for restoration dated 02.09.2024 it is clear that there is a very short delay on part of the private respondents while moving the restoration application. In view of the aforesaid, the Court is of the opinion that the delay in filing the restoration application was rightly condoned and the restoration application was allowed. In the order by which the restoration application was allowed there is no mention for the condonation of delay but in the interest of justice, the Court is of the opinion that such kind of procedural lapses are liable to be condoned.

7. In this view of the matter, the Court is of the prima facie opinion that

substantial justice has been done in the matter, which does not call for any interference under Article 226 Constitution of India. Even otherwise nothing has been stated in the entire writ petition nor any arguments has been raised that what prejudice has been caused to the petitioner by the aforesaid orders.

8. The writ petition being devoid of merits is liable to be dismissed and the same is hereby dismissed.

(Prakash Padia,J.)

February 24, 2026

Pramod Tripathi