

**RAJASTHAN TAX BOARD, AJMER**

Revision Misc. No. 21/2013/Pali

Through Sub Registrar, Bali

Vs

Smt. Lila Devi

**SB**

**Shri Rakesh Srivastava, Chairman**

Present:-

Shri Zamil Jai,  
Deputy Government Advocate for Appellant

Shri Madan Lal Gurjar,  
Advocate for Respondent

**JUDGMENT**

**Dated: 11/03/2015**

An application has been filed before this court as per provisions of Order 41 Rule 21 read with section 151 C.P.C. against the Ex-parte order dated 03.05.13 passed by this court in the above mentioned revision No. 1737/2010 filed by Sub-Registrar, Bali. Application u/s 5 Limitation Act was accepted since there are sufficient grounds to condone delay in filing of this application.

The applicant's advocate Shri Madan Lal Gurjar states that an Ex-parte order dated 03.05.2013 order was passed by this court on a revision filed by Sub Registrar, Bali against Smt. Lila Devi. He further states that no notice or summon was served to him and also asserts that the address given in the order of the applicant Smt. Lila Devi is wrong since she does not reside in Tehsil Pali but in Tehsil Bali, which is in Pali District. He, therefore, prays that Ex-parte order dated 03.05.2013 passed by this court be set aside and rehearing be granted to him so that he may appear and properly plead his case before this court.

The D.G.A. Shri Zamil Jai states that in the order dated 03.05.2013 of this court, even though name of the village is correctly mentioned, however, the name of the Tehsil has been wrongly entered as Pali whereas it should have been Bali.



I have perused the record. The impugned order dated 03.05.2013 specifically mentions the address of Smt. Lila Devi w/o Shri Pukh Raj Soni as resident of village Mundra, Tehsil Pali which appears to be incorrect since the applicant resides in village Mundra Tehsil Bali. Therefore it is proved to the satisfaction of this court that notice was not duly served upon the applicant and the Ex-parte order passed against him is unjust and deserves to be set aside. Accordingly it is ordered that the Ex-parte order of this court dated 03.05.2013 be set aside and rehearing is granted in the matter. Further the registrar is directed to take note of the correct address so that notices are properly served in future. The case may now be listed for hearing for which the registrar may suitably inform both the parties to the case. Accordingly, application under Order 41 Rule 21 read with section 151 CPC is accepted.

Pronounced.



**( Rakesh Srivastava )**  
**Chairman**