

Civil Misc. Application No. 71 / 2025**Further order below Ex. 1**

1. Read the present application heard the Id. Adv. for the applicant. The present application is filed under Section 5 of the Limitation Act, 1963 to condone the delay of 26 years 9 months and 19 days in filing restoration application to restore the Special Civil Suit No. 69 / 1995 dismissed for default vide order dated 30.07.1998.
2. In brief, the reasons cited by the applicant in his application are that the applicant did not have the address of the opponents as the opponent as the opponent had gone away to America. Thereafter, the opponent approached the applicant to compromise, however, the matter could not be compromised. It is the say of the applicant that at the original place where the opponent had the light connection, a new light connection in the name of Gandhi Molic Jayeshkumar wherein, Customer No. 24468 / 32306 / 0, being a 50 kw connection at GIDC Plot No. 1 - 8 is existing. As per the rules of the applicant - company a new connection cannot be given at the same place where recovery of outstanding light bill is pending.

The aforesaid connection was given on 19.04.2017. Therefore, a notice was given. Thereafter, the opponent gave a notice to the applicant and the applicant gave a counter notice to the opponent. All these notices were of the year 2023 and 2024. Thereafter, the opponent approached the Hon'ble High Court by filing the Special Civil Application No. 8303 of 2024 on 24.07.2024 wherein, the applicant company has made an appearance and the matter is still pending. Hence, the applicant has filed the present application for condoning the delay in filing the restoration

application. And, has produced five documents vide Ex. 3 list of documents.

3. I have perused the present application, the documents produced by the applicant along with the present application and have heard the Ld. Adv. Mr. G.I. Champaneria. **I am astonished** by the delay caused in filing the present application. It has been prayed by the applicant to condone the delay of 26 years 9 months and 19 days in filing the restoration application citing the reason that the opponent was not available in India as he was in USA. On perusal of the application it transpires that a new light connection has already been given at the very same place where the opponent was carrying on his business. Apparently it seems that the new light connection as in the name of the son of the opponent herein. From the perusal of the present delay condonation application and vide Mark-3/5 being the copy of the plaint a Special Civil Suit No. 69 of 1995 there is no address of opponent No. 1 / defendant No. 1 in the present application or in the said suit. The applicant being a public sector undertaking involved in providing light connections it is not at all believable that the applicant did not have the address where the light connection was to be provided. In the application itself the applicant has mentioned the address of the place where the new connection has been provided. Therefore, to say that the applicant did not have the address of the opponent as he was away in USA is nothing but a lie. As per the plaint of the said suit the opponent No. 2 was the proprietor of the opponent No. 1 and had taken a commercial light connection and had failed to deposit the outstanding electricity charges and therefore, the light connection was disconnected and a notice was issued to the opponent to deposit the outstanding amount and therefore, for the recovery of the said amount the said suit was filed.

4. First of all, the applicant - company cannot provide a light connection to a place the address of which is not available with the applicant company. Thereafter, in breach of its own rules provides a new light connection at the same place without recovering the earlier dues. Therefore, the reason cited by the applicant that the applicant did not have the address of the opponent cannot be believed .

For sake of arguments even if it is belief that the applicant actually did not have the address of the opponent then also vide the document cited at mark 3/1 to 3/4 it can be seen that the applicant and the opponent were communicating with each other since 2019 and therefore, even if it is assumed that the applicant did not have the address of the opponent and therefore, he was precluded from filing the restoration application, then also the applicant in the year 2019 had received communications from the opponent wherein, the opponent had clearly mentioned his address, mobile number and Email ID. Meaning thereby, that the applicant had the whereabouts, of the opponent in the year 2019 itself. Yet, the opponent chose to file the present delay condonation application in the month of August, 2025 i.e., almost after a delay of six years approximately. And there is no reason cited or argued by the applicant or his Ld. Adv. for the same. Therefore, the application filed for condoning the inordinate delay caused in filing the restoration application lags sufficient reasons. And I am not satisfied with the reasons cited in the application, hence, in light of the aforesaid discussions I pass the below mentioned final order :

FINAL ORDER

1. The present application is hereby rejected.
2. The applicant is directed to deposit Rs. 10,000/- as costs with DLSA, Arvalli at: Modasa for wasting the Court's valuable time.

*Addl. Sr. Civil Court,
Modasa*

3. If the applicant fails to deposit the cost within a week, recovery warrant be issued against the applicant.
4. Letter be sent to the competent authority of the applicant to identify the officials concerned responsible for causing the delay and to recover the amount of costs imposed above from such officer's salary.

Pronounced today in this open Court on 18.07.2026 on Saturday.

Date : 18.07.2026

Place: Modasa

[Mr. P.S. Rathore]

Add. Sr. Civil Court,

Modasa

Code No.GJ01134

Bhavya D. Trivedi

*Addl. Sr. Civil Court,
Modasa*