



ORDER BELOW EXH.1
IN
CIVIL MISC. APPLICATION (FOR DELAY) NO.07
OF 2023

(1) Present application has been submitted by the applicant for condonation of delay occurred in filing the appeal against the judgment and decree passed by the Additional Civil Judge, Limkheda in Regular Civil Suit No.05 of 2018 on dated 05.05.2022 wherein learned Additional Civil Judge, Limkheda has allowed the suit.

(2) Upon the presentment of the application, notices have been issued upon the opponents and the same have been duly served and opponents remained absent.

(3) Read the application. Perused the record. It is stated in this application by applicant that the judgment and decree passed by the learned Additional Civil Judge, Limkheda in Regular Civil Suit No.05 of 2020 on dated 05.05.2022 wherein learned Judge has dismissed the suit, is disputed and there are all the possibilities to get success in appeal. The applicant has challenged the same by preferring the appeal. However, the applicant, who is supposed to file appeal within stipulated period could not file the same within the time prescribed for the reasons as stated in this application and delay of 85 days occurred in filing the appeal. It is submitted that as the reason for preferring

the appeal with delay is genuine and considering the ground of delay and the fact the present application needs to be allowed.

(4) It appears that the applicant has challenged the Judgment and decree passed in Regular Civil Suit No.05 of 2018 by the learned Additional Civil Judge, Limkheda, wherein learned Additional Civil Judge, Limkheda has dismissed the suit. At this point of time, considering the scope and ambit of dispute, it will not be proper to discuss the merits of the case at this juncture in detail. Considering the fact that the applicant who is supposed to file appeal within stipulated period, could not file the same within the time prescribed because of reasons as specify in application, there seems reasonable explanation for delay and also considering the ratio laid down in catena of judgments of Hon'ble Apex Court that while adjudicating delay condonation application, liberal approach has to be taken, it is desirable to condone the delay occurred in preferring the appeal by applicant. In the light of the above said discussion and legal position it is the view of this court that an application is required to be allowed because there are sufficient cause for condonation of delay as mentioned in the present application. Therefore, in the interest of justice I pass the following order as under.

ORDER

1. Present application is hereby allowed.
2. Delay of 85 days occurred in preferring appeal against the judgment passed by the learned Additional Civil Judge,

Limkheda in Regular Civil Suit No.05 of 2018 on dated 05.05.2022 wherein learned Additional Civil Judge, Limkheda has allowed the suit, is hereby condoned with the condition to pay the opponent

3. Registry is directed to register the appeal after verifying due compliances.
4. Accordingly the present application is disposed off.

Pronounced in the open Court, today, on this 15th Day of **July, 2026.**

Date : 15.07.2026
Place : Limkheda

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[MINAXI MAHESH SONI]
2ND ADDITIONAL DISTRICT JUDGE,
DAHOD, AT. LIMKHEDA.
[CODE NO.GJ 00740]