

Received on : 17.01.2026  
Registered on : 17.01/2026  
Decided on : 08.06.2026  
Duration : 22 04 00  
DD MM YY

**IN THE COURT OF 6TH ADDL. DISTRICT JUDGE,  
AT JUNAGADH**

**CIVIL MISC. APPLICATION NO. 8-2026**

[IN RCS NO.45-2022]

Exh.:-\_\_

1. The Deputy Engineer Shri  
PGVCL  
Sub-Division, Mendarda – 2  
Junagadh

**Applicant**

Versus

1. Shri Haridas Laxmidas Gondalia  
Age Abt. : 50 Yrs., Occu. : Business,  
Religion : Hindu,  
Resi. Jalandhar Road at Amrapur,  
Tal. Mendarda, Dist. Junagadh  
Junagadh

**Opponent**

**Subject:** Condonation of delay as per Sec.5 of Limitation Act

**APPEARANCES:**

Mr. N.A.Sheth, Ld. Advocate for the Applicant  
None for the Opponent

**-: J U D G M E N T :-**

1. This application is filed under Section 5 of the Limitation Act, 1963 seeking condonation of delay in filing the appeal. The

applicant respectfully submits that the applicant is the Paschim Gujarat Vij Company Limited (PGVCL), a statutory electricity distribution company of the State of Gujarat, having its corporate office at Rajkot and subordinate offices at district and taluka levels, including its sub-divisional office at Mendarda, District Junagadh, headed by the Deputy Engineer who is authorized to file this application. The applicant had filed Regular Civil Suit No. 45/2022 before the learned court at Mendarda, which came to be dismissed by judgment and decree dated 19/09/2025. The certified copy was applied for and received, and the appeal was required to be filed within limitation; however, due to administrative procedures and correspondence with higher authorities and panel advocates, there has been a delay of 88 days in filing the present appeal. The delay is bona fide and procedural in nature, and if not condoned, the applicant—being a government company engaged in public utility services—will suffer irreparable loss, whereas no prejudice will be caused to the respondent. Hence, it is prayed that the delay of 88 days be condoned and the appeal be registered and decided on merits in the interest of justice.

2. On the other side, the notice / summons was duly served, even though, has neither appeared personally or through any of the Ld. Advocate nor filed any reply.

3. I have heard learned advocate for the applicant and perused the contentions raised in the application and records of the present application.

4. So far as the short facts of the present application are

concerned, the same have already narrated herein above.

5. In this case on hand, it transpires that the applicant is the Paschim Gujarat Vij Company Limited (PGVCL), filed Regular Civil Suit No. 45/2022 at Mendarda, which was dismissed on 19/09/2025. Due to administrative procedures and correspondence with higher authorities and panel advocates, there is a delay of 88 days in filing the appeal. The delay is bona fide, causes no prejudice to the respondent, and may kindly be condoned in the interest of justice.

6. The Hon'ble Gujarat High Court has laid down in 2013 AIJ-CJ-2293371-**Ravjibhai Ramji Chauhan Vs. Tapubha Ratansinh Gohil**, after elaborately discussing the ratio laid down by the Hon'ble Supreme Court in several Judgments and held that while interpreting the “sufficient cause”, Court should consider that delay shall not be attributed to the negligence or inaction on the part of the applicant themselves. While condoning delay, span of delay is not material but cause shown for delay is important.

7. On going through above ratio and on considering the valuable right of the applicant to file an appeal on one side and on the other side, as there is delay for which supportive documents or evidence are produced and it is also not proper to snatch away the right of the appeal and on considering the nature of dispute, in that circumstances, in the interest of justice, following order is passed:

**-: ORDER :-**

- The application for condonation of delay is, hereby allowed.

- Delay is condoned on deposition of Rs.2500/- (Rupees Two Thousand Five Hundred only) as cost with District Legal Services Authority, Junagadh, by the applicant.
- If cost amount is not deposited within 15 days, then Appeal will not be on record in future.
- Registry of concerned Branch and D.L.S.A. to be intimated regarding this order.
- No order as to cost.

Signed and pronounced in the open Court today.

Date:08.06.2026

**(AMIT RAMESHBHAI RANA)**

6<sup>th</sup> Addl. District Judge,  
Junagadh  
(Code GJ00965)