



Received on 11/06/2025  
Registered on 11/06/2025  
Decided on 17/03/2026  
Duration Y. M. D.

IN THE HON'BLE COURT OF 4TH ADDL. DISTRICT JUDGE  
KHEDA AT NADIAD

**CIVIL MISC. APPLICATION (Delay) NO.79 OF 2025**

Exh.: \_\_\_\_\_

**APPELLANT:~**

Yunusbhai Mohammadbhai Vohra  
Age: 63 Yrs., Occup.: Agriculture,  
Residence: Naya Vatan Society,  
Nr. Ratnadip Society, Bhalej Road,  
Anand, Ta.Dist.: Anand.

**Versus**

**RESPONDENT:~**

**Heirs of deceased**

**Udesing Dhulabhai Parmar**

- (1/1) Revaben Udesinh Dhulabhai Parmar  
Age: 89 Yrs.,
- (1/2) Ajitsinh Udesinh Dhulabhai Parmar  
Age: 69 Yrs.,
- (1/3) Himatsinh Udesinh Dhulabhai Parmar  
Age: 66 Yrs.,
- (1/4) Ranjitsinh Udesinh Dhulabhai Parmar  
Age: 64 Yrs.,
- (1/5) Chhatrasinh Udesinh Dhulabhai Parmar  
Age: 59 Yrs.,
- (1/6) Balvantsinh Udesinh Dhulabhai Parmar  
Age: 56 Yrs.,
- (1/7) Pravinsinh Udesinh Dhulabhai Parmar  
Age: 54 Yrs.,

All Residence: Gnanbaug, Kanjari Road, Vadtal,  
Ta.: Nadiad, Dist.: Kheda.

- (2) Bhupatsinh Ratansinh Bhaijibhai Parmar  
Age: about 55 Yrs., Occup.: Agriculture,

- (3) **Heirs of deceased**  
**Ravjibhai Ratansinh Bhaijibhai Parmar**  
**Heirs of deceased**  
**Jashbhai Ravjibhai Parmar**
- (A) Sanjaybhai Jayeshbhai Parmar  
Age: Adult, Occup.: Agriculture,
- (B) Ranchhodbhai Jashbhai Parmar  
Age: Adult, Occup.: Agriculture,
- (4) Dhulabhai Ratansinhbhai Bhaijibhai Parmar  
Age: 78 Yrs., Occup.: Agriculture,
- (5) Fatesinh Ratansinh Bhaijibhai Parmar  
Age: 75 Yrs., Occup.: Agriculture,
- (6) Kanubhai Galabbhai Parmar  
Age: 58 Yrs., Occup.: Agriculture,  
Nos. 2 to 6 Residence: Krushnanagar,  
Mu.: Zol, Ta.Dist.: Anand.
- (7) **Heirs of deceased**  
**Ambalal Motibhai Parmar**
- (1) Vikrambhai Ambalal @ Ambubhai Parmar  
Age: About Adult, Occup.: Agriculture,
- (2) Sureshbhai Ambalal @ Ambubhai Parmar  
Age: Adult, Occup: Agriculture,  
Both Residence: Jod, Ta.Dist.: Anand.
- (3) Vijetaben D/o. Ambalal @ Ambubhai Parmar  
& W/o. Manubhai  
Age: Adult, Occup.: Household,  
No.7's heirs residence: Bhumel,  
Besides Gurukul, Uttarsanda Road,  
Ta.: Nadiad, Dist.: Kheda.
- (8) Kamlaben Motibhai Parmar  
Age: 65 Yrs., Occup.: Household,
- (9) Sharadaben Motibhai Parmar  
Age: 63 Yrs., Occup.: Household,  
Nos. 8 & 9 Residence: Sanjaya, Ta.: Petlad,  
Dist.: Anand.
- (10) Udesinh Mohanbhai Parmar  
Age: 73 Yrs., Occup.: Agriculture,

- (11) Umedbhai Mohanbhai Parmar  
Age: 67 Yrs., Occup.: Agriculture,
- (12) Himatbhai Mohanbhai Parmar  
Age: 63 Yrs., Occup.: Agriculture,  
Nos.10,11,12 Residence: Krushnanagar,  
Mu.: Zol, Ta.Dist.: Anand.
- (13) Akshresh Jayendrakumar Patel  
Age: Adult, Occup.: Agriculture,
- (14) Jayendrakumar Chhaganbhai Patel  
Age: Adult, Occup.: Agriculture,  
Nos.13 & 14 Residence: Vallabh Vidhyanagar  
B/h. Nilkanth Varni Vishwas Complex,  
Opp. Vaibhav Cinema, Ta.Dist.: Anand.

<b>Appearance:</b>		
For the Appellant	:	Ld.Advocate Mr. R.S. Patel
For the Respondents No.1/1 to 1/7	:	Ld.Advocate Mr. N.K. Gohil
For the Respondent No.5	:	Ld.Advocate Mr. N.A. Rohit

**An Application u/S.5 of Limitation Act**  
**for Condonation of Delay**  
**~: J U D G M E N T :~**

- (1) Present application has been preferred by the Appellant to condone the delay of 8 days occasioned in preferring an appeal against the order passed by Ld. Principal Senior Civil Judge, Nadiad allowing the Special Civil Suit No.82/2011 on 29/04/2025 and 30/04/2025 below Exh.173 & Exh.174.

It is the case of the appellant that on 29/04/2025 the said suit was declared and on 01/05/2025 he applied for the certified copies and on 06/05/2025 he obtained the same copies and from 10/05/2025 to 09/06/2025 there was Summer Vacation in the Hon'ble Court hence, he could not prefer an appeal in prescribe

time limit and delay occurred, hence present application for condonation of delay.

- (2) Respondents duly served with the notices. Respondent Nos. 1/1 to 1/7 appeared through their Ld.Advocate and Respondent Nos.1/2, 1/6 & 1/7 have filed their written statement vide Exh.7 and denied all the facts of the present application and stated that the present appellant has not given proper reasons for condonation of delay and with intention to harass the respondents the present application has been filed by the appellant hence, present application is required to be rejected with compensatory costs.

Respondent Nos. 2 to 4 & 6 to 14 remained absent.

Respondent No.5 appeared through his Ld.Advocate but has not filed any reply.

- (3) Heard. Read the application and reply produced by the Respondent Nos. 1/2, 1/6 & 1/7.
- (4) Looking to the facts and circumstances of the present case, this is an application u/S.5 of the Indian Limitation Act. To file the appeal against an order passed by the Trial Court is statutory rights. Nothing transpires at this stage, to infer that delay was favourable to the appellant. It is desirable that dispute between the parties gets decided on merits. Lenient view is required to be adopted while dealing with delay condonation applications. The reasons stated appears to be sufficient for condonation of delay. Hence, in the interest of justice, following final order is passed.

**-: FINAL ORDER :-**

- [1]** Civil Misc. Application No.79/2025 is hereby allowed.
- [2]** The delay occasioned in preferring an appeal against the order passed by Ld. Principal Senior Civil Judge, Nadiad allowing the Special Civil Suit No.82/2011 on 29/04/2025 and 30/04/2025 below Exh.173 & Exh.174 is hereby condoned.
- [3]** The Registry is hereby directed to register an appeal in appropriate register.
- [4]** No order as to costs.

Pronounced in the open Court on this 17th Day of March, 2026.

Date:17/03/2026 **(MUKESHKUMAR JAYANTILAL BRAHMBHATT)**  
Place: Nadiad 4<sup>th</sup> Additional District Judge  
Kheda at Nadiad  
**Code No.GJ00754**