

**~::Order Below Exh. 13 in RCA No. 95 of 2023::~**

1. The present application has been filed for condonation of delay of 2 Years and 3 Months for joining the the legal heirs of Respondent in the pending appeal.
2. Ld. Advocate Mr. S. R. Dubey has appeared on behalf of the Respondents when the matter was called out. Neither the otherside nor their advocate was remained present in the Court.
3. Ld. Advocate Mr. Dubey, appearing for the Reappellant has submitted that after the said demise of Respondent, legal heirs of the concerned Respondent has failed to do the legal process of law for joining heirs, therefore, the delay of 2 Years and 3 Months, have been occurred. It is further submitted that legal heirs of Respondents are not aware with the law, hence, delay has occurred. By making aforesaid submission, he has prayed to condone the delay.
4. On the other hand, neither the proposed heirs not their advocate were remianed present in the Court while the matter was called out. Even after service of notice qua the present application, the didn't care to appear before the Court. Even Ld. Advocate for the said parties also remained absent.
5. Heard, Ld. Advocate for the concern party and perused the case papers. This Court, is, of the considered view that the ground mentioned in the application does constitute sufficient cause in favour of the Appellant. Moreover, law of limitation is a branch of procedural law and

procedural law is a hand maid of justice and not to obstruct justice. Further, as per the guideline of Hon'ble Supreme Court, from time to time, apropos condoning the delay in the Pandemic, as well as, it is well settled that a matter should be decided on merits rather than on technicality. In *Sanghram Singh versus Election Tribunal Kotah & Anr*, AIR 1955 SC 425 the Apex Court held that "procedural laws should not be construed like a penal provision to punish the parties as far as possible."

6. It was held by the Apex Court in *G. Ramagowda v. Special Land Acquisition Officer*, AIR 1988 SC 897 that the expression 'sufficient cause' in Section 5 must receive a liberal construction so as to advance substantial justice and generally delays in preferring appeal are required to be condoned in the interest of justice where no gross negligence or deliberate inaction or lack of bonafide is imputable to the party seeking the condonation of delay.
7. In view of the facts and circumstances of the case, this court is of the considered opinion that substantial justice to be served to allow this application. Therefore, the present application deserves to be allowed with reasonable cost. Hence, I pass the following order in the interest of justice.

~ :**ORDER**: ~

1. The Application vide Exh. 13 for joining the legal Heirs of Respondent Laxmanbhai Kabhaibhai Parmar is hereby **ALLOWED**, on payment of cost of **Rs. 1,000/-** to be paid with District Legal Services Authority, Nadiad, within a period of one month from the date of this Order. The memo be amended

accordingly and after amendment in the appeal memo, the amended appeal memo be served on respective otherside.

2. In the event, the payment of Rs. 1,000/- is not paid within the time specified above, the Application for joining the legal heirs stands rejected, automatically.
3. Order accordingly.

**Pronounced in the open Court today on 15th December' 2025.**

Date: 15/12/2025  
Place: Nadiad.

**(Prakashkumar P. Purohit)**  
3<sup>rd</sup> Addl. District Judge,  
Kheda at, Nadiad.  
**GJ00685**