

ORDER BELOW EXHIBIT-30
IN
REGULAR CIVIL APPEAL
NO.49 OF 2022

- (1) This application is preferred seeking condonation of delay and setting aside of abatement along with permission to bring on record the names of legal heirs of deceased appellant Sajانبhai Naranbhai Chavda in this appeal.

- (2) Learned advocate for the appellant Sajانبhai Naranbhai Chavda submits that the appellant is father of the present applicants who are legal heirs of the appellant died on 31.12.2024, but the present applicants could not bring themselves on record in this appeal within time limit after the death of appellant as they are illiterate and unaware about legal proceedings. It is submitted that appellant died on 31.12.2024 pending hearing of the present appeal and it is necessary to join themselves being the heirs of deceased appellant in the present appeal. It is further submitted that the right of present applicants in the present appeal will be frustrated if they are not joined in the present appeal. It is further submitted that a period of five months has lapsed since the demise of the original appellant till this application was filed, however, such delay is bonafide and not an intentional act on the applicants side; therefore, the applicants have filed the present application to condone the delay in bringing themselves as legal heirs of deceased appellant and to set aside the abatement.

- (3) Ld. Advocate for the respondents fairly concedes and submits that having regard to the nature of litigation and the period of delay, appropriate order may be passed.
- (4) Read the application and heard learned advocates for both the parties.
- (4) It transpires from record that appellant passed away on 31.12.2024. The appellant side had filed written notes of arguments on 02.11.2024. Thereafter on 12.08.2025 it was declared that the appellant has passed away and an application at Exhibit-26 was filed on the same day to substitute the names of appellant, however, on account of technical bar the said application was not pressed on 24.09.2025 and the present application was filed on 24.09.2025. The subject matter of appeal is the issue of partition between the heirs. Having regard to the subject matter of present application and the nature of proceeding and the relationship between the deceased appellant and the proposed parties; coupled with the quantum of delay, it would be interest of justice to allow this application. Accordingly, following order is passed:

:: O R D E R ::

1. The present application seeking to condone the delay in bringing the legal heirs of deceased appellant Sajanbhai Naranbhai Chavda and to set aside the abatement in the present appeal is hereby allowed.

2. Looking to the fact and circumstances of this case, there shall be no order as to costs at this stage.

Signed and pronounced in the open court today on
this **18th DAY OF APRIL, 2026 at Porbandar.**

Date:- 18.04.2026.
Place:- Porbandar.

(**M. A. BHATTI**)
Principal District Judge,
P O R B A N D A R
Code No. **GJ01506**