

**ORDER BELOW EXH.01**  
**IN**  
**CIVIL MISC. APPLICATION NO.10/2022**

1. The present application preferred by the applicant under Section 5 of the Limitation Act for condonation of delay occurred in preferring Regular Civil Appeal.

2. Ld. Advocate Mr. B.M. Makwana appearing on behalf of the applicants has submitted that the applicants had preferred suit bearing R.C.S. No.19/2018 before Ld. Senior Civil Judge, Sami wherein the Ld. Trial Court has rejected the suit on 28/04/2022. On the same date the applicants have applied for certified copy of the judgment and the said has been received on 01/06/2022 and the applicants have preferred appeal on 13/07/2022. Hence, being aggrieved by the said order recorded below Exh.68 in R.C.S No.19/2018, the present applicants intended to prefer appeal and to prefer appeal, delay of 07 days occurred. It is submitted that the applicants have no knowledge of law and they were busy in agriculture work due to which the applicants could not able to file appeal in stipulated time period and delay of 07 days in filing appeal occurred. There is no intention of delay on behalf of the applicants in filing appeal. The appeal is statutory right and if delay is not condoned then the valuable right to prefer appeal would become infructuos. It is urged to allow present application.

3. Notice have been served to the opponents. Ld. DGP Mr. S.H. Thakkar appeared on behalf of the opponents No.1 to 3 but did not submitted any objection. Enough opportunity is given to

the opponent Nos. 4 and 5 to appear before this court but they neither appeared nor filed any objection.

4. Heard Ld. Advocates for both parties and gone through the record.

5. It appears from the record of the application that the opponents had preferred R.C.S. No.19/2018 and the said has been rejected. The applicants have applied for certified copy on the same date i.e. 28/04/2022 and the said has been received on 01/06/2022 and the appeal has been filed on 13/07/2022. Hence, there is an actual delay of 12 days to prefer an appeal. An appeal is statutory right granted to applicants. There is a delay of 12 days on preferring appeal. As Ld. DGP for the opponents has not submitted any objection and other opponents have not remained present, accordingly, the present delay condonation application is allowed and passed following Order.

**-:: O R D E R ::-**

1. The present application is hereby allowed.
2. Delay of 12 days occurred in filing of Regular Civil Appeal is hereby condoned.
3. Registry is directed to register Regular Civil Appeal.  
Pronounced & signed in open Court today.

**Date : 07/03/2026**  
**Place: Patan**

**(Rajkumar Ramsinh Chaudhary)**  
**Additional District Judge,**  
**Patan at Radhanpur**  
**U.I.Code No.GJ01512**

*Shaikh..*