

GJSK180000992026



IN THE COURT OF 2nd ADDITIONAL DISTRICT JUDGE,
SABARKANTHA AT IDAR.

Civil.Misc.A.No. 4 of 2026.
Ex.:4

Applicants:-

1. **Khair Chunabhai Najubhai,**
Aged:- 50 yrs, Occupation:- Agriculture
2. **Khair Chandubhai Najubhai**
Aged:- 60 yrs, Occupation:- Agriculture
3. **Khair Maganbhai Najubhai**
Aged:- 48 yrs, Occupation:- Agriculture
4. **Khair Ishwarbhai Rameshbhai**
Aged:- 32 yrs, Occupation:- Agriculture
5. **Khair Ajitbhai Metabhai**
Aged:- 45 yrs, Occupation:- Agriculture
6. **Khair Faljibhai Metabhai**
Aged:- 45 yrs, Occupation:- Agriculture
7. **Khair Vikrambhai Metabhai**
Aged:- 35 yrs, Occupation:- Agriculture
8. **Khair Nareshbhai Jethabhai**
Aged:- 33 yrs, Occupation:- Agriculture
9. **Khair Kantibhai Gopibhai**
Aged:- 35 yrs, Occupation:- Agriculture
10. **Khair Raymalbhai Sayababhai**
Aged:- 35 yrs, Occupation:- Agriculture

All Resi. Of:- Hingtiya (Khalsa)
Taluka:- Khedbrahma, **District:-** Sabarkantha

Versus

Opponents:-

1. **Parghi Honabhai Harshanbhai,** Aged:- 45 years
2. **Parghi Raychandbhai Harshanbhai,** Aged:- 63

yrs

3. **Parghi Sitaben Babubhai**, Aged:- 57 yrs

4. **Parghi Anilbhai Babubhai**, Aged:- 26 yrs

5. **Parghi Rahulbhai Babubhai**, Aged:- 24 yrs

6. **Parghi Riniben Babubhai**, Aged:- 22 yrs

7. **Parghi Taraben Babubhai**, Aged:- 19 yrs

8. **Parghi Narsinhbhai Harshanbhai**, Aged:- 47 yrs

9. **Parghi Nanabhai Harshanbhai**

All Occupation:- **Agriculture**

Resi. Of:- Hingtiya (Khalsa)

Taluka:- **Khedbrahma** District:- **Sabarkantha**

Appearance:-

Mr. H. J. Barot	Learned Advocate for the Applicants
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Mr. B. M. Shukla	Learned Advocate for the Opponents
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**Delay Condonation Application
Under Section 5 of the Limitation Act.**

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

1. The present application has preferred by applicants/original defendants for condonation of delay of **4 month & 20 Days** in filing Regular Civil Appeal against the judgment and decree passed by the **Ld. Additional Senior Civil Judge, Khedbrahma** on dated **09.09.2025** in Regular Civil Suit No. **30 of 2013** interalia stated that there were no malafide intention for not filing Regular Civil Appeal in time limit. But the applicants have no

knowledge of law and they are not educated persons, due to that they were not aware that they could file an appeal against the order in prescribed time Hence, there is a delay of **4 month & 20 Days** in filing the Regular Civil Appeal and they have prayed to condone the said delay.

2. On filing this application, the notices to the opponents were issued, which were served upon them. The opponents have appeared thorough their Ld. Advocate.
3. The learned advocate for the opponents have made endorsement that no objection to condone to delay.
4. I have perused the record and submission of Ld. advocates for the parties, there is a delay of **4 month & 20 Days** in filing the Appeal and urged that same be condoned.
5. Now looking to the legal aspects, the *Hon'ble Supreme Court* and our *Hon'ble High Court* in many decisions, time and again held that the approach of the court should be liberal in considering the delay condonation applications.
6. Considering the facts & circumstances and the reasons for delay in the application, it seems that there is sufficient cause to condone the delay. Therefore, without adopting any hyper-technical view, I deem it fit to condone the delay in filing the present Appeal. Thus I pass following order.

:: O R D E R ::

1. The present **Civil Misc. Application** is hereby **"allowed"**.
2. Delay of **4 month & 20 Days** caused in filing Regular Civil Appeal against the judgment and decree passed by the **Ld. Additional Senior Civil Judge, Khebrahma** on dated **09.09.2025** in **R.C.S.No. 30 of 2013** is hereby **condoned**.
3. The Registry is hereby directed to register and number the Regular Civil Appeal accordingly for its adjudication.

Signed and pronounced in the open Court on **17th day of April - 2026**.

Date :17.04.2026
Place: Idar.
//kts//

(Kishorkumar Shambhubhai Hirpara)
GJ00504
2nd Additional District Judge
Sabarkantha @ Idar.