

GJSK180010622025



Order below Ex.1 in CMADC No.19/2025.

1. The present application is preferred by the appellants to condone the delay of three days caused in filing Appeal against the judgment & decree passed by the learned Principal Senior Civil Judge, Khedbhrama in Regular Civil Suit No.30/2013 on 09/09/2025.
2. Upon issuance of the notices, the notices were served upon the respondents and the respondent No.1 to 8 & 10 have remained present through their learned advocate and filed their reply vide **Ex.7**. The respondent No. 9 has not remained present and respondent No.11 died prior to four months as per endorsement made by Bailiff on notice issued by this court and Ld. Advocate of applicant has produced pursis at **Exh.8** for delete to the opponent No.11 which was recorded by this Court.
3. The learned advocate Mr. B.M.Shukla for the appellants has submitted that the appellants have received the certified copies of the judgments and decree on 06/10/2025 and they have received the same on the same day i.e. on 06/10/2025 and no delay occurred in filing the appeal.
4. The learned advocate Mr. H.J.Barot for the respondent No. 1 to 8 & 10 has submitted that the facts stated by the appellants in the present application are false and learned trial court has made evaluation of all the evidence produced by the appellants and the opportunity for

submission has been given to the appellants and due to carelessness of the appellant, there is a delay occurred, therefore, he has requested to reject the present application.

5. Considering the submissions of learned advocates of both the parties and looking to the copy of judgment of trial court, which is pronounced on dated 09/09/2025, but the appellants have applied for certified copies of the judgment and decree on dated : 06/10/2025 and not filed application for certified copies immediately. So, there is caused delay of three days in filing the appeal.
6. Upon going through the record, it reveals that there was no deliberate intention on the part of the appellants for filing the appeal at the belated stage. The Hon'ble Apex Court in the catena of judgments has held that liberal approach should be adopted while deciding the application for condonation of delay and that the court should not adopt hyper technical view and each and every party should be given chance to put his /their case before the court.
7. So, considering the above facts and the principles laid down by the Hon'ble Apex Court and the Hon'ble Gujarat High Court, I deem it fit to condone the delay which is of two months. Hence, I pass the following order :-

:: ORDER ::

1. The present application is hereby **"allowed"**.
2. The delay of three days caused in filing Appeal against the judgment & decree passed by the learned Principal Senior Civil Judge, Khedbhrama in Regular Civil Suit No.30/2013 on 09/09/2025 is hereby condoned .

3. The Registry is hereby directed to register the Appeal.

No order as to costs.

Signed & Pronounced in the open Court today on 17th day
of April-2026.

Date:-17.04.2026

(Kishorkumar Shambhubhai Hirpara)

Place:- Idar

GJ00504

2nd Additional District Judge

Sabarkantha @ Idar.

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