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DURATION	DYS-MTS-YRS

**IN THE COURT OF THE ADDITIONAL DISTRICT JUDGE
SURENDRANAGAR @ LIMBDI**

CRIMINAL MISCELLANEOUS APPLICATION NO.69 OF 2026

EX-

Maheshbhai Baldevbhai Hadaniya
Aged about 36 years,
Occupation: Agriculture,
Residing at: Village Fulgram,
Near Vihat Mataji Temple,
Tal. Wadhwan, Dist. Surendranagar.
At present in Limbdi Sub-Jail.

...Applicant

VERSUS

The State of Gujarat

...Opponent

Appearance:

Mr.S.D. Sanghariyat L.A. for the Applicant.

Mr.Y.J. Yagnik L.A. for the opponent- State.

**APPLICATION FOR CONDONATION OF DELAY UNDER SECTION 5
OF THE LIMITATION ACT**

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

1. The present application is filed by the applicant for condonation of delay of 80 days under Section 5 of Limitation Act.
2. The opponent is duly served. The opponent has appeared through their Ld. Advocate and but have not filed any written objection against this application.
3. The present application is filed by the applicant under sec. 5 of the Limitation Act for condonation of delay of 80 days to file an appeal against the judgment and order in Criminal Case No.328 of 2025 passed by Judicial Magistrate First Class, Chuda dated 21.11.2025. It is the say of the applicant that he has no knowledge regarding law and therefore due to lack of knowledge regarding the procedure, could not filed appeal in time and thereafter, file an appeal to challenge the said order. Hence, the delay of 80 days is occurred to file an appeal for following all procedure for filing of appeal. Hence, it is urged that

present delay condone application may be allowed in the interest of justice.

4. In the case of Legal heirs of deceased V. State bank of India reported in 2005(1) GLH 568 (Guj.)(D.B.) it is held that, Normally the Court should not take strict view but should adopt liberal approach. The Court should not be over strict and highly technical so as to sacrifice the cause of substantial justice and, thereby, deny to the applicant right to have his cause decided on merits. The Court should not take a technical view and refuse to condone the delay on pedantic approach that every day's delay is not explained.

5. Looking to the facts and circumstances and ratio laid down by Hon'ble High Court of Gujarat, the application to condone the delay of 80 days is deserve to be allowed under sec.5 of the Limitation Act. Hence, following order is passed.

ORDER

1. The application for condonation of delay of 80 days is hereby allowed.
2. The Registry is hereby ordered to register the appeal according to law.

Signed and pronounced in open Court today on 17th March, 2026.

Date:17/03/2026

Place:Limbd

(P.T. Patel)
Additional District Judge,
Limbd, Dist. Surendranagar
Code No.GJ00528