

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/MISC. CIVIL APPLICATION (FOR RESTORATION) NO.1969 of 2026
IN
CIVIL APPLICATION NO.1 OF 2018
IN
F/FIRST APPEAL/29193/2018

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THE DY. COLLECTOR, LAND ACQUISITION AND REHABILITATION & ORS.
Versus
SOMABHAI MOTIBHAI PAGI (SINCE DECEASED THROUGH LEGAL
HEIRS) & ORS.

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Appearance:
MR SHAUNAK R VYAS AGP for the Applicant(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE BHARGAV D. KARIA
and
HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE

Date : 07/08/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)

1. The applicants herein have preferred this Misc. Civil Application to restore the Civil Application No.1 of 2018 for condoning the delay in filing the First Appeal.

2. This Court [Coram:Honourable Mr. Justice A.J.DESAI and Honourable Mr. Justice ANIRUDDHA P. MAYEE], vide order dated 29.04.2022, disposed of the Civil Application No.1 of 2018 as under :-

"By way of these applications the applicant has prayed for condonation of delay in filing the application/appeal.

2. *Since the respondent had died during pendency of the reference case, the present applications are disposed of considering the ratio laid down by the decisions of this Court in case of [i] Patel Kashuben Narottambhai v. Special Land Acquisition Officer [SCA No.960 of 2009 decided on 18.2.2009] and in case of [ii] Dy. Collector & Land Acquisition Officer v. Patel Parsottambhai Pragjibhai [CA No.305 of 2019 decided on 7.8.2019] with a liberty to the applicant to file appropriate applications before the learned trial Court.*

3. *As and when such applications are filed, the learned trial Court shall decide same considering the above referred decisions. Accordingly, present civil applications are disposed of.
Rule is discharged."*

3. The learned AGP Mr. Shaunak R. Vyas appearing for the applicants submitted that the applicants herein had preferred the Civil Misc. Application No.90 of 2023 before the Reference Court, Lunawada for impleading the legal heirs of the respondent No.1, who expired during the pendency of the reference. It was submitted that the Reference Court, vide order dated 12.10.2023, allowed the Civil Misc. Application No.90 of 2023 and amended the cause-title of the judgment and decree by impleading the legal heirs of the original claimant. It was further submitted that in view of the order dated 12.10.2023, the Civil Application No.1 of 2024 was filed by the applicants to amend the cause-title of the F/First Appeal No.29193 of 2018, which was allowed vide order dated 09.05.2024 passed by this Court to implead the proposed legal heirs of the deceased respondent No.1 in the captioned Civil Application and the First Appeal. It was, therefore, submitted that the Civil Application No.1 of 2018 may be restored to file so as to condone the delay in preferring in the First Appeal.

4. Considering the above submissions and on perusal of the order passed by the Reference Court as well as the order passed by this Court in Civil Application No.1 of 2024, the present Misc. Civil Application is allowed and the Civil Application No.1 of 2018 preferred in F/First Appeal No.29193 of 2018 is restored to file.

5. The Misc. Civil Application is disposed of accordingly.

(BHARGAV D. KARIA, J)

(ANIRUDDHA P. MAYEE, J.)

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