

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 962 of
2026****In F/FIRST APPEAL/2547/2026**

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BADHIBEN DALABHAI AYAR & ORS.

Versus

DARIYAKHAN RAHEMATKHAN JAT & ORS.

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Appearance:

A R SHAH(7768) for the Applicant(s) No. 1,2,3

DECEASED LITIGANT for the Respondent(s) No. 6

DELETED for the Respondent(s) No. 1

MR CHIRAYU A MEHTA(3256) for the Respondent(s) No. 5

NOTICE NOT RECD BACK for the Respondent(s) No. 2

NOTICE SERVED for the Respondent(s) No. 3,4

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CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**Date : 10/04/2026****ORAL ORDER**

1. The present application has been preferred for seeking condonation of delay of 233 days caused in preferring the appeal against the impugned judgment and award dated 10.03.2025 passed by the learned Motor Accidents Claim Tribunal (Aux.-II), Patan at Radhanpur, in M.A.C.P. No. 424 of 2018.

2. Heard learned counsels for the parties.

3. Learned counsel for the applicants submitted that the delay has occasioned in preferring the appeal owing the illiteracy of the applicants, as they failed to inform the concerned advocate about the passing of original claimant No.3, as such an inaccurate application was preferred and sent

for notarization. He further submitted that the delay is neither intentional nor malafide, but has occasioned owing to the reasons mentioned in the instant application.

4. Learned advocate, Mr. Chirayu Mehta submitted that he has instructions to appear on behalf of respondent No.5 in this matter. He further submitted that considering the facts and circumstances of the case, an appropriate order may be passed.

5. Having considered the submissions advanced by the learned advocates for the parties and having regard to the ground for delay pressed into service, in my considered opinion, constitutes a sufficient ground for condoning the delay. Accordingly, the delay of 233 days occasioned in preferring the appeal is condoned.

6. Accordingly, the present Civil Application stands allowed. There shall be no order as to costs.

7. Registry is directed to take necessary steps to reflect the name of Mr. Chirayu Mehta, learned advocate appearing on behalf of respondent No.5, in the First Appeal.

ARUN

(MOOL CHAND TYAGI, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ARUN B(HC02368), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 17/04/2026 13:58:00