

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY)****NO. 1931 of 2026****In F/FIRST APPEAL/3617/2026****With****R/CIVIL APPLICATION NO. 1936 of 2026****In****F/FIRST APPEAL NO. 3619 of 2026****With****R/CIVIL APPLICATION NO. 2087 of 2026****In****F/FIRST APPEAL NO. 3616 of 2026****With****F/FIRST APPEAL NO. 3616 of 2026****With****R/CIVIL APPLICATION NO. 2094 of 2026****In****F/FIRST APPEAL NO. 3620 of 2026****With****F/FIRST APPEAL NO. 3620 of 2026****With****R/CIVIL APPLICATION NO. 2095 of 2026****In****F/FIRST APPEAL NO. 3615 of 2026****With****F/FIRST APPEAL NO. 3615 of 2026****With****R/CIVIL APPLICATION NO. 2115 of 2026****In****F/FIRST APPEAL NO. 3618 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE J. C. DOSHI****Sd/-**

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Approved for Reporting	Yes	No
		No

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RANCHHODBHAI RAMJIBHAI & ORS.
Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR P P MAJMUDAR(5284) for the Applicant(s) No. 1,2,3,4
MS. POOJA TEJAS BRAHMBHATT(16347) for the Applicant(s)
No. 1,2,3,4

MS. DHARITRI PANCHOLI, AGP for the Respondent(s) No. 1,2,3
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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 09/07/2026

JUDGMENT

1. As the identical issue is involved in the captioned Civil Applications, they are heard and decided together by this common judgment.

1.1 **Rule** returnable forthwith. Learned AGP Ms. Dharitri Pancholi waives service of notice of Rule for the respondent – State. At the request of learned advocates for both the sides, the matters are taken up for final hearing.

2. By way of these applications filed under Section 5 of the Limitation Act, 1963 (hereinafter referred to as ‘the Act’), the applicants have prayed for the following reliefs:-

“a. Your Lordships maybe pleased to allow the present civil application;

b. Your Lordships maybe pleased to condone the delay of 2714 days which has occurred in preferring accompanying First Appeal.

c. Pass any such other and/or further orders as may be deemed just and proper in the facts and circumstances of the case.”

2.1 All the Civil Applications are praying to condone the delay of **2714** days, except in Civil Application No.2095 of 2026 where the delay is of **2703** days, which is more or less the same.

3. The brief facts of the case are that, the applicants are the Administrators of the Mahadev Temple situated at Village Asarma, Taluka: Hansot, District: Bharuch and the lands belonging to the temple came to be acquired for the public purpose of widening of road, pursuant to the Notifications under Section 4 & 6 of the Land Acquisition Act, 1894.

3.1 Thereafter, the Land Acquisition Officer passed the award fixing the market value of the acquired lands at the rate of Rs.2.04/- per square meter.

3.2 Finding the award of the Land Acquisition Officer to be on the lower side, the applicants filed the Land Reference Case No.198 of 2013(Main) along with connected reference cases, whereby the common judgment and award dated 09.03.2018 came to be passed by the learned Additional Senior Civil Judge, Ankhleshwar and all the reference cases filed under Section 18 of the Land Acquisition Act, 1894 came to be dismissed and the award of the Land Acquisition Officer came to be confirmed.

3.3 That the applicants preferred the Review Applications, one of them being Civil Misc. Application No.31 of 2023, in the Reference Case and the delay caused in filing the review application was also condoned by the learned trial Court.

3.4 That the Review Application came to be dismissed by order dated 14.03.2024 passed by the learned 2nd Additional Senior Civil Judge & ACJM, Ankhleshwar.

3.5 Being aggrieved, a Special Civil Application No.9059 of 2025 was preferred before the coordinate Bench of this Court and the same came to be dismissed holding that a First Appeal would be maintainable against the original judgment.

3.6 Thus, the present applicants filed the aforesaid first appeals. However, there was a huge delay as aforesaid causing in preferring the first appeals. Hence, these applications.

4. Heard learned advocate Ms. Pooja Tejas Brahmbhatt for learned advocate Mr. P.P. Majmudar appearing for the applicants and learned AGP Ms. Dharitri Pancholi for the respondent - State.

5. It is the argument of learned advocate Ms. Pooja Brahmbhatt that the applicants are the villagers and trustees of a religious institute and therefore, are not well versed with the legal procedures.

5.1 Further, learned advocate Ms. Pooja Brahmbhatt would submit that the applicants had preferred the Review Application before the learned trial Court against the judgment and award in the Reference Cases. Moreover, the delay caused in preferring the Review Application was also condoned by the learned trial Court, and against the dismissal of the same, the Special Civil Application was also preferred by the applicants.

Therefore, learned advocate Ms. Pooja Brahmbhatt submitted that in view of Section 14 of 'the Act', the time spent by the applicants in prosecuting the Review Application as well as the Special Civil Application in good faith deserves to be excluded while computing the limitation for the first appeals.

5.2 It is further submitted by learned advocate Ms. Pooja Brahmbhatt that the applicants were also required to arrange for funds for the court-fees and other litigation expenses, which took considerable time.

5.3 In support of her submission, learned advocate Ms. Pooja Brahmbhatt relied on the following judgments:-

- i) ***Mool Chandra v. Union of India***, reported in **2024 (0) AIR (SC) 4046**
- ii) ***Suresh Kumar v. State of Haryana with Laxmi Narain v. State of Haryana***, reported in **2025 (0) INSC 550**
- iii) ***State of Gujarat v. Arunkumar Sukhdevbhai Trivedi***, reported in **2024 (0) GUJHC 36935**.
- iv) ***Sugandhi (Dead) By Lrs. v. P.Rajkumar Rep.By His Power Agent Imam Oil***, reported in 2020 (10) SCC 706
- v) ***Inder Singh v. The State of Madhya Pradesh***, reported in **2025 LiveLaw (SC) 339**
- vi) ***N.Balakrishnan v. M.Krishnamurthy***, reported in **1998 (7) SCC 123**

vii) ***Rani Kusum v. Kanchan Devi***, reported in **2005 (6) SCC 705**

viii) ***State of Punjab v. Shamlal Murari***, reported in **1976 (1) SCC 719**.

ix) ***Kailash v. Nanhku***, reported in **2005 (4) SCC 480**.

5.4 *Inter-alia*, it is submitted by learned advocate Ms. Pooja Brahmbhatt to condone the delay in the aforesaid first appeals.

6. As against that, learned AGP Ms. Dharitri Pancholi for the respondent – State would submit that the applicants, seeking condonation of the delay needs to pass through the rigors of Section 5 of ‘the Act’ and have to explain the sufficient cause, though may not require to explain the day to day delay, but the delay deserves to be explained with sufficient cause, which may wriggle out any doubt or suspicion.

6.1 Learned AGP Ms. Dharitri Pancholi submitted that it is a settled position of law that the underlying principles of Section 14 of ‘the Act’ can be invoked to demonstrate "sufficient cause" for an application under Section 5; however, it is not an automatic right. To borrow the benefit of Section 14, the applicants must unequivocally satisfy the threshold test of ‘good faith’, as defined under Section 2(h) of ‘the Act’.

6.2 Learned AGP Ms. Dharitri Pancholi would further submit that the Land Acquisition Act is a self-contained code and the statutory remedy against an award passed by the

Reference Court is explicitly provided as a First Appeal. Therefore, the applicants' decision to file a Review Application, and subsequently, a Special Civil Application under Article 226/227 of the Constitution, on own wish cannot be termed a mere 'defect of jurisdiction'.

6.3 She would further submit that justice-oriented and liberal approach can be taken, provided that the sufficient reasons are provided and established by the applicants in the application for condonation of delay.

6.4 After arguing the aforesaid, learned AGP took this Court to the pleading made by the applicants in delay condonation application and submitted that only general grounds are raised by the applicants, without making a specific convincing reason to condone the huge delay.

6.5 Upon the above submission, she submits that the huge and colossal delay of **2714/2703** days should not be condoned on the vague and general reasons. Thus, she submits to dispose these applications.

7. Having heard learned advocates for both the sides, at the outset let me refer Section 5 & 14 of 'the Act' , which reads as under:-

“ 5. Extension of prescribed period in certain cases.-

Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant

satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation- The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.

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14. Exclusion of time of proceeding bona fide in court without jurisdiction.—

(1) In computing the period of limitation for any suit the time during which the plaintiff has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the defendant shall be excluded, where the proceeding relates to the same matter in issue and is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

(2) In computing the period of limitation for any application, the time during which the applicant has been prosecuting with due diligence another civil proceeding, whether in a court of first instance or of appeal or revision, against the same party for the same relief shall be excluded, where such proceeding is prosecuted in good faith in a court which, from defect of jurisdiction or other cause of a like nature, is unable to entertain it.

(3) Notwithstanding anything contained in rule 2 of Order XXIII of the Code of Civil Procedure, 1908 (5 of 1908), the provisions of sub-section (1) shall apply in relation to a fresh suit instituted on permission granted by the court under rule 1 of that Order, where such permission is granted on the ground that the first suit must fail by reason of a defect in the jurisdiction of the court or other cause of a like nature.

Explanation.—For the purposes of this section,—

(a) in excluding the time during which a former civil proceeding was pending, the day on which that proceeding was instituted and the day on which it ended

*shall both be counted;
(b) a plaintiff or an applicant resisting an appeal shall be deemed to be prosecuting a proceeding;
(c) misjoinder of parties or of causes of action shall be deemed to be a cause of a like nature with defect of jurisdiction.”*

8. Section 5 and 14 of ‘the Act’, though are not mutually exclusive, even in a case where Section 14 applies, Section 5 is not excluded. Nonetheless, when applicants mainly rely upon Section 14 of ‘the Act’ to condone the delay, the expressions ‘due diligence’ and ‘good faith’ come into play. As far as ‘due diligence’ is concerned, the applicants have to establish that they were carefully prosecuting the another civil proceedings under good faith in the Court and the Court, which is ultimately found having no jurisdiction. The applicants, who are seeking for exclusion of the time period, have to establish that under the complete *bonafide*, they were prosecuting the civil proceedings. It was their due diligence and in good faith that the Court had jurisdiction.

8.1 Simultaneously, plain reading of Section 5 of ‘the Act’ suggests that, the applicants were obliged to satisfactorily demonstrate and explicate the delay and to convince the Court that sufficient cause existed for not preferring the applications or moving the requisite applications within the statutorily prescribed period. Ordinarily, the Courts adopt a liberal approach while considering applications for condonation of delay under Section 5 of ‘the Act’, provided that the delay is duly attributable to sufficient cause. Delay cannot be condoned by a mere invocation of "liberal approach," “justice-oriented

approach”, or “substantial justice.” These oft-quoted expression cannot be deployed in jettison or emasculate the substantive law of limitation.

9. Rule of limitation is based upon principles of sound public policy and principles of equity. Indeed expression 'sufficient cause' should receive liberal construction so as to advance substantial justice. This proposition comes into picture when no negligence or inaction or want of bona fide is imputable to party seeking condonation of delay. Whether explanation furnished would constitute 'sufficient cause' or not will depend on facts of each case and there cannot be straitjacket formula for accepting or rejecting explanation furnished for delay caused in taking steps. While considering the matter, the Court is also required to consider all the facts that why party has not taken steps within time prescribed. The Court should not lose sight of the fact that by not taking steps within the time prescribed time, valuable right has accrued to other party which should not lightly be defeated by condoning delay in routine like manner.

10. Let me notice the reasons stated by the applicants claiming it to be sufficient cause for the relief of condonation of delay, which are common in all the applications, extracted from CA No.1931 of 2026 as under:-

“5. It is respectfully stated and submitted that after dismissal of the Review Application, the applicants bona fide proceeded to take steps for preferring the First Appeal against the original judgment, order and decree. It is submitted that the certified copy of the order passed in the Review Application as well as the certified copy of the

original judgment and award were applied for on 15.04.2024 and the same were received on 25.04.2024. Thereafter, the applicants contacted their local advocates, sought detailed legal advice regarding the maintainability and procedural requirements of the First Appeal, and were advised to prefer the present appeal before this Hon'ble Court. It is further submitted that the applicants are trustees of a religious institution, are not conversant with legal technicalities, and were also required to arrange necessary funds and court fees for filing the appeal, which process consumed considerable time. The delay thus caused is purely unintentional, bona fide, and occurred in the course of diligent prosecution of legal remedies, and therefore sufficient cause exists for condonation of the same.

6. It is respectfully stated and submitted that the applicants are villagers and trustees of a religious institution and are not well conversant with legal procedures. The applicants were also required to arrange funds for court fees and other litigation expenses, which took considerable time and contributed to the delay.

7. It is respectfully stated and submitted that the delay in preferring the accompanying First Appeal is neither willful nor deliberate but has occurred due to bona fide prosecution of legal remedies before appropriate forums.

8. It is respectfully stated and submitted that in view of Article 14 of the Limitation Act, 1963, the time spent by the applicants in prosecuting the Review Application as well as the Special Civil Application in good faith deserves to be excluded while computing limitation for the present First Appeal.

9. It is respectfully stated and submitted that the applicants have acted with due diligence and good faith throughout, and there is no negligence or mala fide intention attributable to them.””

11. Perusal of the reasons stated by the applicants found that the inordinate and colossal delay of over **2700** days (**approximately 7.5 years**) is owing to pursuing the wrong

proceedings/forum by way of Review Application and subsequently, by a Special Civil Application and also that the present appellants are the villagers & trustees of the temple. However, the trustees of the temple cannot be said to be lacking sufficient resources for incurring the legal expenses. The present matters relate to the land acquired for a road widening scheme of the year 1999, where the statutory remedy against an award passed by the Reference Court is explicitly provided as a First Appeal, and therefore, their own decision to pursue the wrong proceedings/jurisdiction cannot be said to be a 'sufficient cause' so as to grant the exclusion of time under Section 14 of 'the Act'. The law of limitation is founded on public policy to ensure that litigation comes to an end and that rights crystallized by a judgment are not indefinitely kept in suspense. Equity aids the vigilant, not those who slumber over their rights.

12. In regards to the application of the Section 14 of 'the Act', I may refer to the judgment of the Division Bench of this Court in the case of **Jitendra Construction Company v. Kankaria Maninagar Nagrik Sahakari Bank Ltd.**, reported in **1999 (1) GLR 444**, whereby the Division Bench of this Court in para 8 and 10 held as under:-

"8. Mr. Gade, learned Counsel for the opponents, on the other hand, contended that no cause much less sufficient cause has been made out by the applicants for condonation of delay and in the facts and circumstances, delay should not be condoned. The award passed by the Board of Nominee was confirmed by the Gujarat Co-operative Tribunal and also confirmed on merits by the learned single Judge in the year 1994. He submitted that this is eminently a fit case in which not only the application should be dismissed but exemplary costs should be awarded to the

opponent-bank. He stated that though the amount was taken by the applicants, it was not repaid any hence the opponents had to approach the Board of Nominee and an award was passed. Reliance was also placed on the decision of the Supreme Court in *R.K. Ramchandran v. State of Kerala and Anr.* JT 1997 (8) SC 189 wherein the Hon'ble Supreme Court observed that law of limitation may harshly affect a particular party but it has to be applied with all its rigour when the statute so prescribed and the Courts have no power to extend the period of limitation on equitable grounds.

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10. In our opinion, once the petition was dismissed by the learned single Judge on merits, it was not open to the applicants to file an application for review before the Co-operative Tribunal as in the eye of law the order passed by the Tribunal was merged with the order passed by the learned single Judge in Special Civil Application. No doubt, the applicants had disclosed that fact and it was stated in the application for condonation of delay itself. The question is as to whether such an application would be Maintainable when such application was not competent and after dismissal of first application, second application was filed by the applicant against seeking review, it cannot be said that it was a sufficient ground. If the contention is upheld, a person can successfully avoid the provisions of Limitation Act by making application after application.”

13. It is apposite to refer to the decision in the case of ***K.B. Lal (Krishna Bahadur Lal) v. Gyanendra Pratap & Ors., reported in 2024 (4) Scale 759***, whereby the Apex Court revisited the law on the aspect of condonation of delay and held as under:-

“10. There is no gainsaying the fact that the discretionary power of a court to condone delay must be exercised judiciously and it is not to be exercised in cases where there is gross negligence and/or want of due diligence on part of the litigant (See *Majji Sannemma @ Sanyasirao v. Reddy*

Sridevi & Ors. (2021) 18 SCC 384). The discretion is also not supposed to be exercised in the absence of any reasonable, satisfactory or appropriate explanation for the delay (See P.K. Ramachandran v. State of Kerala and Anr., (1997) 7 SCC 556). Thus, it is apparent that the words sufficient cause' in Section 5 of the Limitation Act can only be given a liberal construction, when no negligence, nor inaction, nor want of bona de is imputable to the litigant (See Basawaraj and Anr. v. Special Land Acquisition Officer., (2013) 14 SCC 81). The principles which are to be kept in mind for condonation of delay were succinctly summarised by this Court in Esha Bhattacharjee v. Managing Committee of Raghunathpur Nafar Academy & Ors., (2013) 12 SCC 649, and are reproduced as under:

21.1. (i) There should be a liberal, pragmatic, justice-oriented, nonpedantic approach while dealing with an application for condonation of delay, for the courts are not supposed to legalise injustice but are obliged to remove injustice.

21.2. (ii) The terms sufficient cause should be understood in their proper spirit, philosophy and purpose regard being had to the fact that these terms are basically elastic and are to be applied in proper perspective to the obtaining fact-situation.

21.3. (iii) Substantial justice being paramount and pivotal the technical considerations should not be given undue and uncalled for emphasis.

21.4. (iv) No presumption can be attached to deliberate causation of delay but, gross negligence on the part of the counsel or litigant is to be taken note of.

21.5. (v) Lack of bona fides imputable to a party seeking condonation of delay is a significant and relevant fact.

21.6. (vi) It is to be kept in mind that adherence to strict proof should not affect public justice and cause public mischief because the courts are required to be vigilant so that in the ultimate eventuate there is no real failure of justice.

21.7. (vii) *The concept of liberal approach has to encapsulate the conception of reasonableness and it cannot be allowed a totally unfettered free play.*

21.8. (viii) *There is a distinction between inordinate delay and a delay of short duration or few days, for to the former doctrine of prejudice is attracted whereas to the latter it may not be attracted. That apart, the first one warrants strict approach whereas the second calls for a liberal delineation.*

21.9. (ix) *The conduct, behaviour and attitude of a party relating to its inaction or negligence are relevant factors to be taken into consideration. It is so as the fundamental principle is that the courts are required to weigh the scale of balance of justice in respect of both parties and the said principle cannot be given a total go by in the name of liberal approach.*

21.10. (x) *If the explanation offered is concocted, or the grounds urged in the application are fanciful, the courts should be vigilant not to expose the other side unnecessarily to face such a litigation. (emphasis supplied)"*

14. In the case of **Lanka Venkateswarlu v. State of Andhra Pradesh**, reported in **AIR 2011 SC 1199**, the Hon'ble Supreme Court has observed as under:-

"Generally the Courts including Supreme Court adopt a liberty approach in considering application for condonation of delay on ground of sufficient cause under section 5 of the Act. However, the concept such as "liberal approach", justice oriented approach, "substantial justice" cannot be employed to jettison the substantial law of limitation"

15. Following the ratio laid down by Hon'ble Supreme Court, there is no gainsaying the fact that the discretionary power of a Court to condone delay must be exercised judiciously and it is not to be exercised where is gross

negligence or want of due diligence on the part of the litigant
[See : **Majji Sannemma @ Sanyasiroa v. Reddy Sridevi and Ors**, reported in **(2021) 18 SCC 384**].

16. With profit, I may also refer to the judgment of the Apex Court in the case of **Pathapati Subba Reddy (Died) by LRs & Ors. v. Special Deputy Collector (LA)**, reported in **2024 INSC 286**, whereby the Supreme Court, after referring the previous decisions, summarized the case law on the issue of limitation *vis-a-vis* condonation of delay in context of 'sufficient cause' and it held as under:-

"[26] On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

(i) Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

(ii) A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

(iii) The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

(iv) In order to advance substantial justice, though liberal approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

(v) Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various

factors such as, where there is inordinate delay, negligence and want of due diligence;

(vi) Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in ling the appeal;

(vii) Merits of the case are not required to be considered in condoning the delay; and

(viii) Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision." (emphasis supplied).

17. In the conspectus of the aforesaid legal precedent and considering the reasons, whereby the applicants have utterly failed to make out any case for condonation of the delay, the judgments relied on by the learned advocate for the applicants would not be helpful to the applicants and therefore, the applications deserve to be dismissed.

18. The reasons provided by the applicants could not be attributed as reason for condonation of the colossal delay, and does not found to be satisfactory in order to exercise discretion in favor of the applicants. Therefore, the applications fail and are accordingly, dismissed. Rule is discharged.

Consequently, the registration of the First Appeals is hereby refused. Any other connected IA application/s, if any, do not survive.

Sd/-
(J.C. DOSHI, J.)

Raj

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: RAJ SUBHASH DHOBIA(HC01779), Private Secretary, at High Court of Gujarat on 20/07/2026 18:35:39