

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY)

NO. 6664 of 2025

In F/CRIMINAL REVISION APPLICATION NO. 5738 of 2025

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KRUPAL RAMESHBHAI PANCHAL

Versus

**PANCHAL ALPA KRUPALBHAI D/O KANTIBHAI POPATBHAI PANCHAL &
ANR.**

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Appearance:

MR AR THACKER(888) for the Applicant(s) No. 1

MS SHIVANG A THACKER(7424) for the Applicant(s) No. 1

MR DEEPAK N KHANCHANDANI(7781) for the Respondent(s) No. 1

MR HARDIK MEHTA, APP for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 02/05/2025

ORAL ORDER

[1.0] This application is filed under Section 5 of the Limitation Act for condonation of delay of 34 days caused in filing the revision application challenging the order dated 13.09.2024 passed in Criminal Misc. Application No.1905 of 2020.

[2.0] Learned advocate for the applicant has submitted that the delay was caused purely due to circumstances beyond the control of the applicant and there was no malafide intention on the part of the applicant in filing the revision application belatedly and therefore, has requested to condone the delay caused in filing the revision application.

[3.0] Learned APP has vehemently opposed the present application.

[4.0] Considering the submissions made by the learned advocates

for the respective parties, the applicant has mentioned sufficient cause for condonation of delay. The primary function of the Court is to adjudicate the dispute between the parties and to advance substantial justice. Rules of limitation are not meant to destroy the rights of parties. The Court is aware of the fact that denial to condone the delay would mean to dismiss the revision at threshold and there is no presumption that the delay caused by the applicant is deliberate. In view thereof, the words 'sufficient cause' under Section 5 of the Limitation Act should receive a liberal construction so as to advance substantial justice. Even reason stated appears to be bonafide and genuine. There is no smack of malafide or dilatory tactics on the part of the applicant.

[5.0] In view of the above, the delay of 34 days as explained in the application is condoned. The application is accordingly allowed. Rule is made absolute accordingly.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 02/05/2025 15:40:00