

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2312 of
2025

In F/FIRST APPEAL NO. 4435 of 2025

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SAROJBEN D/O DEVUBHAI KESARIRANG VAGHELA AND W/O
NARENDRASINH JADEJA
Versus
SANSKAR DHAM TRUST THROUGH ITS CHAIRMAN AND TRUSTEE DR.
RAJENDRABHAI KESHAVLAL SHAH & ORS.

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Appearance:

MR HENIL M SHAH(10677) for the Applicant(s) No. 1
KHYATI A CHUGH(10132) for the Respondent(s) No. 1,2
MR. PARTH H BHATT(6381) for the Respondent(s) No. 1,2
NOTICE SERVED for the Respondent(s) No. 3,4,1,5

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CORAM: **HONOURABLE MR. JUSTICE A.Y. KOGJE**
and
HONOURABLE MR. JUSTICE J. L. ODEDRA

Date : 01/12/2025

ORAL ORDER
(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

1. This application is filed by the applicant under Section 5 of the Limitation Act for condoning the delay of 74 days in preferring First Appeal (Filing) No.2312 of 2025.
2. Learned advocate has drawn attention of this Court to the contents of para-2 to 5 of the application, wherein it stated that the judgement was passed by the Court below on 17.08.2024. The certified copy was applied for on 10.09.2024 and was made ready for delivery on 18.09.2024. The delay had occurred in view of the fact

that after passing the impugned judgement and decree, the local advocate informed the power of attorney of the petitioner about the same, who in turn communicated the same to the petitioner. Thereafter, the petitioner and her power of attorney approached the local advocate in Ahmedabad and received legal advise for prosecuting the matter further. The learned advocate advised the present appellant to file the present appeal against the impugned judgement and award and hence consumed some time in the process. Upon instructions from the petitioner, the local advocate applied for certified copy of the impugned judgement and decree on 10.09.2024 and received the same on 18.09.2024. The petitioner, being a widow, some time was utilized for gathering requisite Court fees and thereafter the local advocate prepared the entire file of case papers and sent it to the learned advocate for the appellant, who received the same on 10.01.2025.

3. Therefore, learned advocate has drawn attention of this Court to the reasons for which delay has occurred.
4. Considering the aforesaid, particularly, period of 74 days of delay, the Court is of the view that considering the facts involved in the case, delay cannot be treated as inordinate.
5. Considering the submissions and the contents of the para mentioned hereinabove, the delay is also explained sufficiently.

6. A reference in this regard may be made to the judgment of the Supreme Court in case of **Sheo Raj Singh (Deceased) through Legal Representatives and others vs. Union of India and Another**, reported in, **(2023) 10 SCC 531**, wherein the term “Sufficient Cause” was interpreted and the approach of Courts while deciding application for condonation of delay was discussed.

7. **In view of the aforesaid, the application is *allowed*.**

The delay of 74 days caused in preferring First Appeal (Filing) No.2312 of 2025 is hereby condoned. Registry is directed to list the main appeal in due course.

(A.Y. KOGJE, J)

(J. L. ODEDRA, J)

SUDHIR