

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF
DELAY) NO. 3855 of 2026****In F/CRIMINAL REVISION APPLICATION/5330/2026**

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ANKUR AMARSHIBHAI KAVAIYA

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR VISHAL B MEHTA(5319) for the Applicant(s) No. 1

MR MONARCH K PANDYA(11437) for the Respondent(s) No. 2,3

MR KRUTIK PARIKH, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE S.V. PINTO

Date : 25/06/2026

ORAL ORDER

1. Rule. Learned APP waives service of rule for the Respondent – State and learned advocate Mr. Pandya waives service of notice.

2. Heard finally with the consent of the learned advocates appearing for the respective parties.

3. The present application seeks condonation of delay of 34 days in preferring the accompanying Criminal Revision Application challenging the judgment and order passed by the learned Principal Judge, Family Court, Morbi.

4. The applicant has explained the delay by stating that after pronouncement of the impugned judgment, certified copies were obtained, legal advice was sought and necessary documents required for filing the revision application were

collected. It is contended that the delay was neither intentional nor deliberate but occasioned due to circumstances beyond the control of the applicant.

5. Learned advocates for the respondent opposed the application contending that the explanation is not satisfactory and that the applicant has failed to demonstrate sufficient cause warranting condonation of delay.

6. I have considered the rival submissions and perused the material placed on record.

7. The law relating to condonation of delay is no longer res integra. In the case of **Collector, Land Acquisition, Anantnag v. Mst. Katiji** reported in (1987) 2 SCC 107, the Hon'ble Supreme Court has observed that a liberal approach should ordinarily be adopted while considering application/s for condonation of delay so as to advance substantial justice. The Court observed that refusal to condone delay may result in a meritorious matter being thrown out at the threshold and cause of justice being defeated.

8. In the case of **N. Balakrishnan v. M. Krishnamurthy** reported in (1998) 7 SCC 123, the Supreme Court has observed that the length of delay is not material; what is material is the acceptability of the explanation. It was further held that unless malafides or gross negligence are imputable to the party seeking condonation, the Court should lean in favour of deciding matters on merits.

9. The Supreme Court has also reiterated in several subsequent decisions that while “sufficient cause” must be established, the expression should receive a pragmatic and justice-oriented interpretation where refusal to condone delay would result in denial of a statutory remedy and where no serious prejudice is demonstrated by the opposite side.

10. In the present case, the delay is of 34 days. The explanation furnished by the applicant cannot be said to be lacking in bona fides. There is nothing on record to indicate that the delay was deliberate, intentional or actuated by any ulterior motive. Equally, no irreparable prejudice is shown to be caused to the respondent if the delay is condoned. On the contrary, refusal to condone the delay would result in the applicant being deprived of an opportunity to challenge the impugned judgment on merits in exercise of the revisional jurisdiction of this Court.

11. Having regard to the nature of the proceedings, the explanation tendered by the applicant and the principles laid down by the Hon’ble Supreme Court, this Court is satisfied that sufficient cause has been made out for condonation of delay. Accordingly, the application is allowed. The delay of 34 days in filing the Criminal Revision Application is condoned. Rule is made absolute.

(S. V. PINTO,J)

F.S. KAZI