

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 941 of
2026****In F/FIRST APPEAL/3446/2026**

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DAMYANTIBEN @ SHANTUBEN LABHUBHAI RATHOD & ORS.**Versus****ARVINDBHAI GORDHANBHAI MER & ORS.**

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Appearance:**NISHIT A BHALODI(9597) for the Applicant(s) No. 1,2,3****NOTICE SERVED for the Respondent(s) No. 1,2,3**

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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 637 days caused in preferring the appeal against the impugned judgment and award dated 02.02.2024 passed by the learned Motor Accidents Claim Tribunal (Aux.) at Botad, in M.A.C.P. No. 34 of 2019.

2. Heard learned counsels for the parties.

3. Learned advocate for the applicant submitted that delay of 637 days has occasioned in preferring the appeal, owing to the time consumed in arranging the necessary documents and owing to the poverty of the applicants, as they could not arrange the necessary Court Fee and other expenses to prefer the appeal within the period of limitation. He further submitted the delay is neither intentional nor malafide, but has occasioned owing to the reasons mentioned in the instant application.

4. Learned advocate, Mr. Vibhuti Nanavati submitted that he has instructions to appear on behalf of respondent No.3 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 advocate for the applicants 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 637 days occasioned in preferring the appeal is condoned, subject to the condition that the claimant/s shall not claim any interest for the period of delay in the event the appeal for enhancement is allowed.

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

7. Registry is directed is directed to accept the vakalatnama of Mr. Vibhuti Nanavati and Ms. Masumy Nanavati, learned advocates appearing on behalf of respondent No.3 and is further directed to take necessary steps to reflect their name, in the First Appeal.

(MOOL CHAND TYAGI, J)

ARUN

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 14:01:04