

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY) NO.
4786 of 2026**

In F/CRIMINAL REVISION APPLICATION/8088/2026

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VINTESJI GOVINDJI SAGAR

Versus

KIRTIBEN VINTESJI SAGAR & ORS.

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Appearance:

MR BHARATKUMAR K VIZODA(8026) for the Applicant(s) No. 1,2

MS JYOTI BHATT APP for the Respondent(s) No. 3

RULE NOT RECD BACK for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No. 2

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CORAM:HONOURABLE MS. JUSTICE GITA GOPI

Date : 10/04/2026

ORDER

1. Heard the learned advocates appearing for the respective parties.
2. By way of this application under Section 5 of the Limitation Act, 1963, the applicant has prayed for condonation of delay of 130 days occurred in preferring the application.
3. Respondent nos.1 and 2 are present before this Court and have resisted the application with a prayer for condoning the delay stating that the applicant has failed to comply the order of the family Court. The amount as ordered is very meager to the actual earning of the applicant and stated that the grounds raised are false and he is having a huge income.

4. Learned APP for the respondent–State submits that the delay in filing the application is not sufficiently explained and therefore, the present application may be rejected.
5. The applicant has stated that he is not in a financial capacity to bear the expense of the fees of the advocate of the Gujarat High Court and is not a position to pay the advocate fees.
 - 5.1 The grounds raised runs contrary to the record since the applicant is already represented by an advocate, however, as the matter requires hearing on merits, the delay is condoned.
6. In view of the principles laid down in the above-referred decision, considering the averments made in the application and as the delay is sufficiently explained, the delay of 130 days occurred in filing the application deserves to be condoned and is hereby condoned.
7. The application with the cost to be paid to the respondent. The applicant, thus, is directed to deposit Rs.5,000/- as cost before the Registry.
 - 7.1 Only on the payment of the cost, the impugned matter should be listed.
8. Accordingly, the present application is allowed.

(GITA GOPI,J)

PARMAR KRISH/121