

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2272 of
2025****In F/FIRST APPEAL NO. 7109 of 2025**

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PRITESH HASMUKHBHAI KADAM**Versus****VANITABEN SURESHBHAI SHEDGE**

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Appearance:**MR RASHMIN MAKWANA(3758) for the Applicant(s) No. 1****MS SHILPABEN P VAGHELA(13417) for the Applicant(s) No. 1****MS DIPMALA S DESAI(6596) for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE A.Y. KOGJE**and****HONOURABLE MR.JUSTICE N.S.SANJAY GOWDA****Date : 07/07/2025****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 27 days in preferring the appeal against the judgment and order dated 10.10.2024 passed by the learned Family Court No.5, Ahmedabad in Family Suit No.455 of 2020.

2. It is reported that the rule is served and learned advocate Ms. Dipmala Desai has appeared.

3. Learned advocate has drawn attention of this Court to the contents of para-3 of the application, wherein it stated that the applicant had for certified copy on 11.10.2024 which was received on 16.11.2024. Thereafter, due to financial crisis, the applicant could not

immediately approach the advocate and hence, some delay has occurred as some time has been consumed in arranging the payment of fees and expenses for filing the appeal.

4. Therefore, learned advocate has drawn attention of this Court to the reasons for which delay has occurred.

5. Learned advocate for the respondent formally opposes the grant of application.

6. Considering the aforesaid, particularly, period of 27 days of delay, the Court is of the view that considering the facts involved in the case, delay cannot be treated as inordinate.

7. Considering the submissions and the contents of the para mentioned hereinabove, the delay is also explained sufficiently.

8. 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.

9. In view of the aforesaid, the application is **allowed**. The delay of 27 days in preferring the appeal against the judgment and order dated 10.10.2024 passed by the learned Family Court No.5, Ahmedabad in Family Suit No.455 of 2020 is hereby condoned. Rule is made absolute to the aforesaid extent.

(A.Y. KOGJE, J)

(NSSG,J)

SIDDHARTH

Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: SIDDHARTH R DAVE(HC01065), Private Secretary, at High Court of Gujarat on 08/07/2025 12:15:10