

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2090 of
2026**

**In F/CROSS OBJECTION/7807/2026
In R/FIRST APPEAL/4218/2022**

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KAMLABEN BHIKHABHAI PARMAR (LH OF DECD BHIKHABHAI
DAHABHAI PARMAR) & ORS.

Versus
NAGJIBHAI KALABHAI RABARI & ORS.

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Appearance:

NISHIT A BHALODI(9597) for the Applicant(s) No. 1,2,3,4
MR PALAK H THAKKAR(3455) for the Respondent(s) No. 5
MR VIBHUTI NANAVATI(513) for the Respondent(s) No. 3

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CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI

Date : 08/05/2026

ORAL ORDER

1. Draft amendment stands allowed. The same shall be carried out forthwith.
2. The present application has been preferred for seeking condonation of delay of 1085 days caused in filing the cross objection in First Appeal No.4218/2022.
3. Heard learned counsels for the parties.
4. Learned advocate for the applicants submitted that in arranging the necessary fund for obtaining the Court fee and meeting out the other expenses, the cross objection could not be filed in time and

therefore, the delay of 1085 days has occasioned in preferring the cross objection in First Appeal No.4218/2022. He further submitted that the delay is neither intentional nor malafide but has occasioned owing to the reasons stated in the application. He further submitted that the applicants/claimants undertake to waive the interest for the delayed period, if the appeal for enhancement is allowed.

5. On the other hand, Mr. Palak H. Thakkar, learned advocate for respondent no.5 and Mr. Vibhuti Nanavati, learned advocate for respondent no.3 submitted that considering the facts and circumstances, the appropriate order may be passed.

6. Having considered the submissions of the learned counsels for the parties and having regard to the ground of delay pressed into service, I am of the considered view, constitutes a sufficient cause to condone the delay subject to the condition that the claimants shall not be entitled for any interest, on the enhanced amount of compensation for the delayed period, in case, the appeal for enhancement is allowed. In view of the above, the delay is condoned and the present application stands allowed. No order as to costs.

7. Registry is directed to reflect the names of Mr. Palak H. Thakkar, learned advocate for respondent no.5, Mr. Vibhuti Nanavati and Mr. Masumi V. Nanavaty, learned advocates for respondent no.3 in the cause title of Cross Objection.

HARSHIT

(MOOL CHAND TYAGI, J)