

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY)****NO. 7086 of 2026****In F/CRIMINAL MISC.APPLICATION/12555/2026****In R/SPECIAL CRIMINAL APPLICATION/3443/2025**

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JAYANTILAL BHAVARLAL JAIN & ORS.

Versus

STATE OF GUJARAT & ANR.

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Appearance:

MR. R. K. RAJPUT(6988) for the Applicant(s) No. 1,2,3,4

MS. DHARVI S. TRIVEDI(18414) for the Applicant(s) No. 1,2,3,4

NOTICE NOT RECD BACK for the Respondent(s) No. 2

MR ROHAN RAVAL, APP for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR

Date : 17/04/2026**ORAL ORDER**

This application is filed under Section 5 of the Limitation Act for condonation of delay of 132 days caused in filing the application for restoration of Special Criminal Application No.3443/2025 which came to be dismissed for non-prosecution.

Having heard the learned advocates for the respective parties and considering the submissions made by the learned advocates for the respective parties, the applicants have mentioned sufficient cause for condonation of delay. The primary function of the Court is to adjudicate the dispute between the parties and to advance substantial justice. Rules of limitation are not meant to destroy the rights of parties. The Court is aware of the fact that denial to condone the delay would mean to dismiss the restoration application at threshold and there is no presumption that the delay caused by the applicant is deliberate.

In view thereof, the words 'sufficient cause' under Section 5 of the Limitation Act should receive a liberal consideration so as to advance substantial justice. Even reason stated appears to be bonafide and genuine. There is no smack of malafide or dilatory tactics on the part of the applicants. Further, it is apposite to refer to the decision of the Hon'ble Apex Court in the case of **N. Balakrishnan v. N. Krishnamurthy** reported in **(1998) 7 SCC 123**.

In view of the above, the delay of 132 days as explained in memo of the application is condoned. The application is accordingly allowed and disposed of.

(HASMUKH D. SUTHAR, J.)

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