

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8718 of 2026**

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THE CITY OF AHMEDABAD SPINNING AND MANUFACTURING CO. LTD.

Versus

MANUBHAIPARSHOTTAMBHAI PATEL (SINCE DECEASED) & ORS.

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Appearance:

MR VANDAN K BAXI(5863) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE MAULIK J. SHELAT

Date : 30/06/2026

ORAL ORDER

1. Mr. Vandan K. Baxi, learned Advocate for the petitioner.
2. Mr. Baxi, learned Advocate, would submit that the Trial Court has taken a very hyper-technical approach while adjudicating the impugned applications. It is submitted that the law of procedure is a handmaid of justice and a hyper-technical approach requires to be avoided by the Trial Court. It is submitted that the impugned applications were essentially filed to bring on record the legal representatives of the deceased defendants who died during the pendency of the suit, and no case made out by the surviving defendants that it was an intentional delay on the part of the petitioner, who happens to be the plaintiff, not to bring those representatives on record of

the suit. It is also submitted that no serious prejudice would be caused to the defendants if the impugned applications had been allowed by the Trial Court. Lastly, it is submitted that while condoning the delay, at best, the petitioner could have been directed to pay reasonable costs.

3. Having heard Mr. Baxi, learned Advocate, at length and upon perusal of the impugned order, the submissions made by Mr. Baxi, learned Advocate, require consideration. Subject to the petitioner depositing a sum of Rs. 20,000/- with the Registry of this Court as probable costs for the respondents, more particularly the heirs of the deceased defendant, within a period of two weeks from today, issue Notice for final disposal, returnable on 24.08.2026.

(MAULIK J. SHELAT, J)

NILESH