

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 265 of 2000****With****CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2025****In R/FIRST APPEAL NO. 265 of 2000****With****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2 of 2025****In CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2025****In R/FIRST APPEAL NO. 265 of 2000****With****R/FIRST APPEAL NO. 266 of 2000****With****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2 of 2025****In CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2025****In R/FIRST APPEAL NO. 266 of 2000****With****CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2025****In R/FIRST APPEAL NO. 266 of 2000**

=====

MADHUSUDAN MOTILAL JAYSWAL SINCE DECD THRU HIS HEIRS &
ORS.

Versus**SHRAWANKUMAR MOTILAL JAYSWAL & ORS.****Appearance:****DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES
for the Appellant(s) No. 1****MR DILIP L KANOJIYA(3691) for the Appellant(s) No. 5,7****MR RS SANJANWALA(728) for the Appellant(s) No.****1.1,1.2,1.3,1.4,1.5,2,3,4,6,8****KISHAN Y DAVE(8293) for the Defendant(s) No. 1,2****NOTICE SERVED for the Defendant(s) No. 3,4****CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI****Date : 25/03/2026****ORDER**

ORDER IN CIVIL APPLICATION (CONDONATION OF
DELAY) NO.2 OF 2025 IN CIVIL APPLICATION (FOR
BRINGING HEIRS) NO.1 OF 2025 IN FIRST APPEAL NO.265
OF 2000 **WITH** ORDER IN CIVIL APPLICATION
(CONDONATION OF DELAY) NO.2 OF 2025 IN CIVIL
APPLICATION (FOR BRINGING HEIRS) NO.1 OF 2025 IN
FIRST APPEAL NO.266 OF 2000

Though there is a huge delay, considering the facts that the right to sue survives in favour of the heirs of the deceased appellant and there are other appellants also to pursue the matter further, this Court, taking pragmatic view, inclines to condone the delay. Accordingly, the delay is condoned and both the civil applications are allowed and disposed of accordingly. Consequently, the abatement stands quashed and set aside.

ORDER IN CIVIL APPLICATION (FOR BRINGING HEIRS)
NO.1 OF 2025 IN FIRST APPEAL NO.265 OF 2000 **WITH**
ORDER IN CIVIL APPLICATION (FOR BRINGING HEIRS)
NO.1 OF 2025 IN FIRST APPEAL NO.266 OF 2000:-

In view of the above order quashing and setting aside the abatement, the legal heirs of the deceased appellants are permitted to be brought on record. Necessary amendment to be carried out forthwith. Learned advocate to place the amended memo of appeal on the file of main appeals, which is ordered to be taken on record of the file. Stand over to 01.04.2026.

MISHRA AMIT V.

(J. C. DOSHI,J)