

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2152 of 2026****In F/FIRST APPEAL/13269/2026****With
R/CIVIL APPLICATION NO. 2153 of 2026****In
F/FIRST APPEAL NO. 13266 of 2026****With
R/CIVIL APPLICATION NO. 2156 of 2026****In
F/FIRST APPEAL NO. 13276 of 2026****With
R/CIVIL APPLICATION NO. 2157 of 2026****In
F/FIRST APPEAL NO. 13267 of 2026****With
R/CIVIL APPLICATION NO. 2173 of 2026****In
F/FIRST APPEAL NO. 13268 of 2026**

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**PATEL JAYRAMBHAI MAFATLAL
Versus
ASST. COLLECTOR & ANR.**

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Appearance:
MR VIRAL J DAVE(5751) for the Applicant(s) No. 1

MS.KINJAL VYAS, AGP APPEARED IN C.A. Nos.2152 & 2157 of 2026

MS.DHARITRI PANCHOLI, AGP APPEARED IN C.A. No.2153 of 2026

MS.DIXA PANDYA AGP, APPEARED IN C.A.Nos.2156 & 2173 of 2026
for the Respondent(s) No. 1

MR KAMLESH S KOTALI(6150) for the Respondent(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 03/08/2026****COMMON ORDER**

1. Heard learned advocates for the respective parties.
2. The present applications, invoking Section 5 of the Limitation Act, 1963, seeks condonation of an inordinate delay

of **2819** days in preferring the captioned First Appeal against the judgment and award dated 21.04.2018 passed by the learned Principal Senior Civil Judge, Visnagar in Land Acquisition Act, 1894 in LAR Case No. 745 to 778 of 123.

3. Learned advocate appearing for the appellants, while explaining the delay, firstly takes this Court to the facts of the case and submitted that the land situated at Village Upera, Taluka Unjha, District Mehsana, was acquired for the public purpose of the Karali-Upera Road project. Notifications under Sections 4 and 6 of the Land Acquisition Act, 1894 (for short, "the Act") were issued on 14.09.2010 and 27.04.2011, respectively. Thereafter, the Land Acquisition Officer passed an award under Section 11 of the Act on 31.08.2012, determining the compensation at Rs.39.60 per sq. mtr. Being aggrieved, the applicants preferred references under Section 18 of the Act. The learned Reference Court, by its judgment and award dated 21.04.2018, partly allowed the reference and awarded additional compensation of Rs.17.38 per sq. mtr. Being further aggrieved, appellants are before this Court by way of First Appeals.

3.1 Learned advocate Mr.Dave would submit that in other matters similarly situated whereby land of the said village were acquired for same public purpose but on different date, sections and notifications, compensation as on higher side has been granted compensation, the appellants, who has lost land must be given higher side compensation without any discrimination.

3.2 Learned advocate Mr.Dave also argued that appellants were managing for fund to file appeal, which took substantial time and they are poor illiterate agriculturists. They had been given meager amount of compensation. They had no funds to manage for higher up litigation. Thus, delay occurred. However, such eventualities, mere technicality should not forbid appellants from procuring from their legitimate right.

3.3 He would further submit that this Court should take liberal approach by condoning the delay and thereby, should give chance to the appellants to put its case on merit.

3.4 Mainly upon above submission, learned advocate for the appellants prays to allow the present applications by condoning the delay and to register the First Appeals.

4. Learned AGP for respondent - State and learned advocate for respondent No.2 vehemently opposed the applications and submitted that since there is huge inordinate delay not properly explained by the claimants, the applications may be dismissed.

5. Having heard learned advocates for the parties and applying thoughtful consideration to the present application, what could be noticeable that except para 3 of the application, no other paragraphs demonstrate any reason much less sufficient reason to condone the delay. Para 3 reads as under:-

"3 The applicant respectfully submits that the impugned judgment and award was passed on 21-04-2018. That the lower

court advocate had applied for certified copy of the impugned judgment and award on 21.05.2018 which was prepared on 08-06-2018 and delivered on 19-06-2018. The applicant submits that some delay has occurred in filing the above referred first appeal. The applicant could not prefer the first appeal within statutory period for the reasons stated herein below.

A That the applicant is a poor villager.

B That the applicant is a lay man.

C That the applicant has no knowledge of law of limitation that in what Period the appeal is required to be filed before this Hon'ble Court.

D That the applicant is not financially stable person and therefore though he had decided to challenge the judgment and award before this Hon'ble Court, he was not in position to challenge the judgment and award and therefore he had to wait till he manage funds for challenging the judgment and award.

E The applicant is an agriculturist and dependent on the income derived from agricultural activity and therefore because of limited source of income it was not possible on the part of the applicant to manage for the funds for filling appeal before this hon'ble court.

F That the applicant did not receive the amount of compensation as awarded by the hon'ble trial court for considerable long period and therefore also the applicant could not manage for the funds for filling appeal before this hon'ble court.

G That the applicant had to spent amount for maintenance of their agricultural farm and for purchasing seeds, pesticides and other agricultural related expenses and therefore also could not save the funds for filling appeal before this Hon'ble Court.

H That due to Covid-19 pandemic also the applicant could not file appeal before this Hon'ble Court and therefore also some delay has occurred.

I That the applicant has received the amount of compensation in the month of March, 2026 and having received amount of additional compensation as awarded by the hon'ble trial court, the applicant could manage for funds for filling appeal before this hon'ble court and thus the entire delay has occurred in filling appeal before this Hon'ble Court. Hereto annexed and marked as annexure "R1" is the copy of the letter written by Principal Senior Civil Court, Visnagar to the Manager of the Canera Bank for withdrawal of the amount."

6. As far as delay has been sought to be condoned, under Section 5 of the Limitation Act, 1963, let refer Section 5 as under:-

“5. Extension of prescribed period in certain cases.—

Any appeal or any application, other than an application under any of the provisions of Order XXI of the Code of Civil Procedure, 1908 (5 of 1908), may be admitted after the prescribed period, if the appellant or the applicant satisfies the court that he had sufficient cause for not preferring the appeal or making the application within such period.

Explanation.—The fact that the appellant or the applicant was misled by any order, practice or judgment of the High Court in ascertaining or computing the prescribed period may be sufficient cause within the meaning of this section.”

7. The Hon’ble Supreme Court in the case of ***Pathapati Subba Reddy (Died) by Legal Representatives and Others vs. Special Deputy Collector (LA), reported in (2024) 12 SCC 336***, explained the ambient scope of Section 5 of the Act. The relevant observations in para 28, 32 and 34 reads as under:

“28. On a harmonious consideration of the provisions of the law, as aforesaid, and the law laid down by this Court, it is evident that:

28.1. Law of limitation is based upon public policy that there should be an end to litigation by forfeiting the right to remedy rather than the right itself;

28.2. A right or the remedy that has not been exercised or availed of for a long time must come to an end or cease to exist after a fixed period of time;

28.3. The provisions of the Limitation Act have to be construed differently, such as Section 3 has to be construed in a strict sense whereas Section 5 has to be construed liberally;

28.4. In order to advance substantial justice, though liberal

approach, justice-oriented approach or cause of substantial justice may be kept in mind but the same cannot be used to defeat the substantial law of limitation contained in Section 3 of the Limitation Act;

28.5. Courts are empowered to exercise discretion to condone the delay if sufficient cause had been explained, but that exercise of power is discretionary in nature and may not be exercised even if sufficient cause is established for various factors such as, where there is inordinate delay, negligence and want of due diligence;

28.6. Merely some persons obtained relief in similar matter, it does not mean that others are also entitled to the same benefit if the court is not satisfied with the cause shown for the delay in filing the appeal;

28.7. Merits of the case are not required to be considered in condoning the delay; and

28.8. Delay condonation application has to be decided on the parameters laid down for condoning the delay and condoning the delay for the reason that the conditions have been imposed, tantamounts to disregarding the statutory provision.

32. The aforesaid decisions would not cut any ice as imposition of conditions are not warranted when sufficient cause has not been shown for condoning the delay. Secondly, delay is not liable to be condoned merely because some persons have been granted relief on the facts of their own case. Condonation of delay in such circumstances is in violation of the legislative intent or the express provision of the statute. Condoning of the delay merely for the reason that the claimants have been deprived of the interest for the delay without holding that they had made out a case for condoning the delay is not a correct approach, particularly when both the above decisions have been rendered in ignorance of the earlier pronouncement in Basawaraj.

34. Moreover, the High Court, in the facts of this case, has not found it fit to exercise its discretionary jurisdiction of condoning the delay. There is no occasion for us to interfere with the discretion so exercised by the High Court for the reasons recorded. First, the claimants were negligent in pursuing the reference and then in filing the proposed appeal. Secondly, most of the claimants have accepted the decision of the Reference Court. Thirdly, in the event the petitioners have not been substituted and made party to the reference before its decision, they could have applied for procedural review which they never did. Thus, there is

apparently no due diligence on their part in pursuing the matter. Accordingly, in our opinion, the High Court is justified in refusing to condone the delay in filing the appeal."

8. The appellants were obliged to satisfactorily demonstrate and explicate the colossal delay and to convince the Court that sufficient cause existed for not preferring the appeal / application or moving the requisite application within the statutorily prescribed period. Ordinarily, the Courts adopt a liberal approach while considering applications for condonation of delay under Section 5 of the Limitation Act, provided that the delay is duly attributable to sufficient cause. Delay cannot be condoned by a mere invocation of "liberal approach," "justice-oriented approach," or "substantial justice." These oft-quoted expressions cannot be deployed to jettison or emasculate the substantive law of limitation.

9. Rule of limitation is based upon principles of sound public policy and principles of equity. Indeed expression 'sufficient cause' should receive liberal construction so as to advance substantial justice. This proposition comes into picture when no negligence or inaction or want of bona fide is imputable to party seeking condonation of delay. Whether explanation furnished would constitute 'sufficient cause' or not will depend on facts of each case and there cannot be straitjacket formula for accepting or rejecting explanation furnished for delay caused in taking steps. While considering the matter, the Court is also required to consider all the fact that why party has not taken steps within time prescribed.

The Court should not lose sight of the fact that by not taking steps within the time prescribed time, valuable right has accrued to other party which should not lightly be defeated by condoning delay in routine like manner.

10. Theory of liberal approach should be adjudicated on theory of due diligence. In the present case, length of delay is 2819 days. It is quite long delay and on going through application as well as arguments, it remains unexplained. They are propelled by the applicant, it does not seem to be germane one and none of the reasons prevented the applicant from filing FA within time period. It is to be remembered that pleadings and reasons are not backed out by any documentary evidence.

11. According to this Court, on going through the aforesaid pleading, the appellants failed to establish any sufficient reasons which has prevented them to file FA within stipulated time period.

12. Learned advocate for the appellants has submitted that the appellants are poor agriculturists and are not financially sound. However, to substantiate this say, petitioners has not placed any document on record. This seems to general and specious statements generally and ordinarily pleaded in every second applications for condonation of delay. At this juncture, it would be apposite to refer to the decision of the **Anand Upadhyay v. Kamalkishore & Ors., 2026 MPHC-GWL 2419**, wherein the Madhya Pradesh

High Court observed in paragraph 5 as under:

“The Supreme Court in the case of N. Balakrishnan v. M. Krishnamurthy [(1998) 7 SCC 1233], clarified that while the Court should adopt a liberal approach to condoning delays, this is not an absolute rule. The applicant must show that there was a reasonable explanation for the delay and that it was not caused by mere negligence or lack of diligence. The applicant's financial hardship and ignorance of the law, though unfortunate, cannot be accepted as a valid ground for condonation of delay unless accompanied by adequate evidence that such circumstances genuinely prevented timely filing. There must be a reasonable cause for the delay, which cannot be merely attributed to lack of awareness or funds. While the appellant's claim of poverty is acknowledged, it is important to note that the delay in this case spans several months, and the appellant has not provided sufficient evidence to show that he made diligent efforts to file the appeal as soon as he was able to arrange funds. The appellant's financial situation, while unfortunate, does not absolve him from adhering to the statutory time limits set under the law. The Court cannot condone delay indefinitely merely because a party faces financial difficulty or is unaware of legal procedures.

13. The Apex Court, recently, in the case of ***State of Odisha & Ors. Vs Managing Committee of Namatara Girls High Schools 2026 INSC 148***, the Hon'ble Supreme Court, after referring to various authorities on the subject matter in paras 17 to 21 held as under :-

“17. Indeed, one of us [Dipankar Datta] in Sheo Raj Singh v. Union of India 14 authoring the judgment for a coordinate Bench adopted the view taken in Katiji (supra), Ramegowda (supra) and a host of other decisions following the same while not interfering with an order of condonation of delay passed by the relevant high court. However, it was observed that a distinction ought to be drawn between an 'explanation' and an 'excuse' that is proffered as cause for condonation of delay. It was also emphasized that a different approach has to be adopted while this Court is considering an application for condonation of delay in presentation of an appeal/application and when it sits in appeal over a discretionary order of the high court granting the prayer for condonation of delay. In the case of the former, whether to

condone or not would be the only question whereas in the latter, whether there has been proper exercise of discretion in favour of grant of the prayer for condonation has to be examined.

18. However, what perhaps remained unnoticed in any of the decisions post Katiji (supra) and Ramegowda (supra) adopting a liberal approach is the exasperation and consequent lament expressed by none other than Hon'ble M.N. Venkatachaliah, CJI. in course of authoring a brief order in Commissioner of Wealth Tax, Bombay v. Amateur Riders Club, Bombays and admonishing officers of the "revenue" in not acting with promptitude. This order was made within six years of the decision in Ramegowda (supra). We can do no better than quoting the same in its entirety hereunder:

1. We have heard Shri S.C. Manchanda, learned senior counsel for the Revenue.

2. This special leave petition filed on November 16, 1993 is delayed by 264 days. For quite some time in the past, this Court has been making observations as to the grave prejudice caused to public interest by appeals brought on behalf of the Government being lost on the point of limitation, Such observations have been made for over a few years in the past. But there seems to be no conspicuous improvement as is apparerit in the present petition which is flied in November 1993. The explanation for the delay, had better be set out In petitioner's own words:

"(g) The Advocate-on-Record got the special leave petition drafted from the drafting Advocate and sent the same for approval to the Board on June 24, 1993 along with the case file.

(h) The Board returned the case file to the Advocate-on-Record on July 9, 1993 who re-sent the same to the Board on September 20, 1993 requesting that draft SLP was not approved. by the Board. The Board after approving the draft SLP sent this file to CAS on October 1, 1993."

3. This explanation is incapable of furnishing a judicially acceptable ground for condonation of delay. After the earlier observations of this Court made in several cases in the past, we hoped that the matters might Improve. There seems to be no visible support for this optimism, There is a point beyond which even the courts cannot help a litigant even if the litigant is Government which is itself under the shackles of bureaucratic indifference. Having regard to the law of

limitation which binds everybody, we cannot find any way of granting relief. It is true that Government should not be treated as any other private litigant as, indeed, in the case of the former the decisions to

19. Reading Ramegowda (supra) and Amateur Riders (supra), one after the other, leaves none in doubt that it did not take much time for this Court to lose hope. It is absolutely clear that the law was laid down in Ramegowda (supra), following Katiji (supra), with much optimism that matters would improve. Their Lordships, however, found no visible support for such optimism and the Court's patience having been tested to the extreme limit, held that there is a point beyond which even the courts cannot help a litigant even if the litigant labouring under the shackles of bureaucratic indifference is the Government.

20. We have found the State of Odisha to be utterly lethargic, tardy and indolent not only before the High Court but also before this Court. Notwithstanding that its appeal was dismissed as time-barred by the High Court, this Court has been approached by the State of Odisha four months after expiry of the period of limitation.

21. Condonation of delay cannot be claimed as a matter of right. It is entirely the discretion of the Court whether or not to condone delay. Despite all the latitude that is shown to a "State", we are of the clear opinion that the cause sought to be shown here by the State of Odisha is not an explanation but a lame excuse. No case for exercise of discretion has been set up."

14. Viewed aforesaid settled position of law along with fact of this case. Needless to state that it is a delay of nearly 8 years. The applicants instead of explaining delay, referred to some other proceedings and claimed parity. Apt to note that merely, in some other civil matters, the Coordinate Bench of this Court has condoned the delay, would not be a reason to condone the delay in present matters. Other reasons pleaded by appellants are found insufficient to condone inordinate, unreasonably and enormous delay. The appellants, who remaining silent about their right for nearly 8 years, cannot rise from slumber on the ground that an appeal filed by the

same litigants in other proceedings has been admitted. The fact that they have been managing the funds for nearly 8 years does not furnish any justification for such delay. The applications are, therefore, hopelessly and disparagingly time barred.

15. In view of the aforesaid discussions, and upon a meticulous application of the ratio *decidendi* adverted to hereinabove, this Court finds that, in absence whereof, the very foundation of the allegations crumbles, there is no cogent or credible explanation forthcoming for the inordinate and colossal delay of **2819 days**. The applications, being *sans* merits, inexorably merits dismissal and is, accordingly, **DISMISSED**.

16. Consequently, the prayer for registration of the First Appeals also stand rejected.

17. Consequently, CA/s, if any, does not survive and stands disposed of accordingly.

18. Registry shall place a copy of this order in each matter.

MANOJ

(J. C. DOSHI,J)