

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2497 of
2026
In F/FIRST APPEAL/13298/2026

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SHEKH AFROJABANU WD/O YASINBHAI AHMEDBHAJI & ORS.
Versus
SALAHUDDIN NASRUDDIN MUSLIM & ORS.

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Appearance:
MR R.K.MANSURI(3205) for the Applicant(s) No. 1,2,3,4,5

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CORAM: HONOURABLE MR. JUSTICE MOOL CHAND TYAGI

Date : 18/06/2026

ORAL ORDER

1. Heard learned advocate for the applicants. Noticing the limited prayer sought for in the present application, the same is taken up for hearing at admission stage without issuance of notice upon the respondents.

2. Present application is preferred under Section 5 of the Limitation Act read with Section 173(1) of the Motor Vehicles Act praying for condonation of delay of 114 days caused in preferring the appeal.

3. Learned advocate for the applicants - original claimants has relied upon the averments made in the instant application and submitted that the appeal could not be presented within the prescribed period of limitation. He further submitted that looking to the benevolent piece of legislation, the applicants intend to present their case for enhancement of the compensation.

Learned advocate for the applicants has therefore, urged this Court to take liberal view and condone the delay.

4. Considering the aforesaid submissions advanced by the learned advocate for the applicants and in view of the law laid down by the Hon'ble Apex Court in the case of **Collector, Land Acquisition, Anantnag & Anr. v. MST. Katiji & Ors. [AIR 1987 SC 1353]**, and having regard to the grounds pressed into service for condonation of delay, in my considered view, constitutes sufficient cause to condone the delay, hence, the present application deserves to be allowed and is accordingly allowed. No order as to costs.

CDP

(MOOL CHAND TYAGI, J)