

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 3338 of
2026****In F/FIRST APPEAL/13803/2026**

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LAXMIBEN GHANSHYAMBHAI VASAVA & ORS.**Versus****ASIFKHAN USMANBHAI PATHAN & ORS.**

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Appearance:**MR.HIREN M MODI(3732) for the Applicant(s) No. 1,2,3**

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CORAM:HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**Date : 06/08/2026****ORAL ORDER**

1. Heard learned advocate for the applicant. 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 1549 days caused in preferring the appeal.

3. Learned advocate for the applicant - original claimant 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. Learned advocate for the applicant further submitted that looking to the benevolent

piece of legislation, the applicant intends to present his case for enhancement of the compensation. He 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 applicant 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**, subject to the condition that the claimant/s shall not be entitled for any interest on the enhanced amount for the period of delay, if the appeal for enhancement is allowed. No order as to costs.

(MOOL CHAND TYAGI, J)

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