

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY)
NO. 2835 of 2025
In
R/MISC. CIVIL APPLICATION/1533/2026
In
R/CIVIL APPLICATION/4733/2019
In
F/FIRST APPEAL/34928/2019
With
CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of
2025
In
R/CIVIL APPLICATION NO. 2835 of 2025
With
CIVIL APPLICATION (FOR CONDONATION OF DELAY)
NO. 2 of 2025
In
CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of
2025
In
R/CIVIL APPLICATION NO. 2835 of 2025
With
R/MISC. CIVIL APPLICATION NO. 1533 of 2026
In
R/CIVIL APPLICATION NO. 4733 of 2019

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**DEPUTY COLLECTOR LAND ACQUISITION AND
REHABILITATION (IRRIGATION) & ANR.**

Versus
HAJA LAKHUBHAI (DECD.)

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Appearance:
MR. SHAUNAK R. VYAS, AGP for the Applicant Nos. 1, 2

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CORAM: HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 19/06/2026

ORAL ORDER

Order in Civil Application no.2 of 2025 :-

The present application is filed for condonation of delay of 1075 days occurred in preferring the application for bringing on record the heirs and legal representatives of original claimant.

Considering the averments made in the application and submissions made by learned AGP for the applicants, the present application for condonation of delay is **allowed**. The delay of 1075 days occurred in filing the application for bringing on record the heirs and legal representatives of original claimant is hereby condoned.

Order in Civil Application no.1 of 2025 :-

The present application is filed for bringing on record the heirs and legal representatives of original claimant.

Learned AGP for the applicants submitted that the original claimant has expired on 23rd February, 2022. The death certificate of the said original claimant i.e. Hajabhai Lakhubhai Gamara is produced on record as Annexure-A to the present application.

Considering the averments made in the application and submissions made by learned AGP for the applicants, as well as perusing the death certificate of the original claimant, the present application stands **allowed**. The heirs and legal representatives of the original claimant are permitted to be brought on record.

Order in Civil Application no.2835 of 2025 :-

The present application is filed for condonation of delay of 66 days occurred in preferring the restoration application.

Considering the averments made in the application and submissions made by learned AGP for the applicants, as well as considering the additional affidavit dated 24th March, 2026 on behalf of the applicant no.2, the present application for condonation of delay is ***allowed***. The delay of 66 days occurred in filing the restoration application is hereby condoned.

Order in MCA no.1533 of 2026 :-

The present application is filed for restoration of the Civil Application (for condonation of delay) no.4733 of 2019 as well as F/First Appeal no.34928 of 2019.

Learned AGP for the applicants submitted that during the pendency of the said application and the first appeal, it came to the knowledge of the applicants that the opponent no.1 - original claimant had expired on 23rd February, 2022. However, the aforementioned civil application (for condonation of delay) was dismissed for default by this Court vide order dated 27th January, 2025 on the ground that the applicants - State Authorities have failed to take necessary steps to bring on record the heirs and legal representatives of the deceased claimant despite sufficient opportunities being granted.

It is further submitted that the necessary steps have been taken by the applicants for bringing heirs and legal representatives of the original claimant and appropriate application for the same has also been filed before the registry on 2nd May, 2025. He therefore prays to allow the present application and to restore the civil application as well as first appeal to its original file.

Considering the averments made in the application and submissions made by the learned AGP and the fact that the necessary steps have been taken by the applicants to brought on record heirs and legal representatives of the original claimant, the present application stands ***allowed***. The Civil Application (for condonation of delay) no.4733 of 2019 as well as F/First Appeal no.34928 of 2019 are directed to be restored to its original file.

(NISHA M. THAKORE, J.)

AMAR RATHOD.../sfs/22.06