

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2937 of
2026****In R/FIRST APPEAL/3127/2026****With
R/FIRST APPEAL NO. 3127 of 2026**

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BHIMJIBHAI LAXMANBHAI SONARA & ORS.**Versus****SPECIAL LAND ACQUISITION OFFICER IRRIGATION AND
REHABILITATION & ANR.**

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Appearance:**MR TEJAS P SATTA(3149) for the Applicants****MS KINJAL VYAS, ASST. GOVERNMENT PLEADER for the Respondents**

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CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 14/07/2026****ORDER IN CA**

1. Heard learned advocate Mr.Tejas Satta for the applicant and learned AGP for the respondent – State.
2. Rule returnable forthwith. Learned AGP waives service of notice of rule for and on behalf of respondent – State.
3. By way of present application filed u/s 5 of the Limitation Act, the applicant has prayed to condone delay of 2740 days caused in preferring the captioned appeal.
4. Relying upon the order dated 17th December, 2021 passed by this Court in Civil Application No.1686 of 2021,

learned advocate Mr.Satta submitted that the appeal arises from a group matters in which the delay has already been condoned and appeals have been admitted by allowing the aforesaid Civil Application. Therefore, he submitted that the present application for condonation of delay may also be allowed.

5. Learned AGP submitted that, since the delay in the group of matters arising from the common impugned judgment has already been condoned, therefore, this Court may pass an appropriate order.

6. Considering the submissions canvassed by the learned advocates for the parties and order dated 17th December, 2021, the present application is allowed. The delay caused in preferring the captioned First Appeal is hereby condoned, subject to deposit of costs of Rs.5,000/- before the Gujarat State Legal Service Authority within a period of two weeks from today, and in the event of enhancement of compensation, claimant/s shall not be entitled to interest for the delayed period of 2704 days. Rule made absolute to the aforesaid extent.

The claimant/s shall file an affidavit to that effect. Receipt of deposit of amount shall be placed on record.

7. Registry shall maintain a copy of this order in the First Appeal record.

ORDER IN FA

1. With consent of learned advocates for both the sides, the appeal is taken up for final hearing at admission stage on the ground that judgment and order passed in First Appeal No.4084 of 2021 and allied matters covers the issue herein.

2. The appeal is filed challenging the judgment and order passed by learned Principal Senior civil Judge, Dhoraji in Land Reference Case No.96 of 2009, whereby, learned Reference Court by common judgment has been pleased to dismiss the reference applications on the ground that claimant did not remain present before the learned Reference Court. Other appeals arising from common judgment has been disposed of by Co-ordinate Bench on 26.07.2022 passed in First appeal No.4084 of 2021 and allied matters. In para 6 to 8, Co-ordinate Bench has observed as under :-

“6. A bare perusal of the impugned order reveals that while the learned Reference Court has referred to the evidence on record, there is no adjudication of the said evidence while coming to the conclusion that the claimants have failed to prove their case and the amount of compensation awarded is inadequate and unreasonable. There is no proper adjudication done by the learned Land Reference Court to come to the conclusion and that no cogent reasons are assigned for the same.

7. The Hon’ble Supreme Court in case of State of Gujarat and ors. vs. Rama Rana and ors. [(1997) 2 SCC 693] has held that it is the duty of the learned Reference Court to evaluate the evidence objectively and dispassionately to reach the finding on just and appropriate compensation.

8. Further in view of the statement of the learned advocate for the claimants that no written arguments could be placed

on record and no oral arguments were also made in the matter, in the interest of justice the impugned judgment and orders in respect of the LARs in question are set aside and the matters are remanded back to the learned Reference Court for fresh adjudication on merits after giving the due opportunity of hearing to the learned advocate for the claimants. Both the parties are at liberty to adduce any additional evidence in support of their cases, however, such an opportunity will be only given once. Thereafter, the learned reference Court will decide the matters on its own merits taking into consideration the documentary and oral evidence on record as well as the additional evidence which may be brought on record by the parties.”

3. Adopting the above reasons, I allow the present appeal. Impugned judgment and order is quashed and set aside and matter is remanded back to learned Reference Court for fresh adjudication on merits, after giving opportunity of hearing to both parties. The parties are directed to remain present before the learned Reference Court on 03.08.2026.

SHEKHAR P. BARVE

(J. C. DOSHI,J)