

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2133 of
2020**

In F/FIRST APPEAL NO. 19885 of 2020

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THE LAND ACQUISITION OFFICER / REHABILITATION OFFICER & ORS.
Versus
PAGI PUNJABHAI BHEMABHAI (DECEASED) THROUGH HIS LEGAL
HEIRS AND REPRESENTATIVES & ORS.

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Appearance:

MR.BHAVESH DESAI, AGP for the Applicant(s) No. 1,2,3
DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES
for the Respondent(s) No. 1

RULE SERVED for the Respondent(s) No.

1.1.1,1.1.3,1.1.4.1,1.1.4.2,1.1.4.3,1.1.5,1.1.6,1.1.7,1.2,1.3,1.4.1,1.4.2,1.4.3,1.
4.4,1.6

UNSERVED EXPIRED (R) for the Respondent(s) No. 1.1.2,1.5

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CORAM:HONOURABLE MRS. JUSTICE M. K. THAKKER

Date : 08/12/2025

ORAL ORDER

1. Though this Court has passed the following orders:-

“25.02.2021

The endorsement shows that the unserved has expired.

Stand over to 09.04.2021.

10.06.2022

*As a last chance time is granted to the learned AGP to do
needful.*

Stand over to 28th June, 2022.

12.07.2022

Despite last chance, no steps have been taken. First Appeal is

dismissed for non prosecution with a liberty to revive the same as and when applications for bringing legal heirs on record and for setting aside abatement is filed. This Civil Application accordingly stands disposed of. Rule is discharged.

21.06.2023

1.These applications are filed to condone the delay in preferring the First Appeal challenging the common judgment and award in LRC Nos.42 of 2017, 43 of 2017 and LRC 78 of 2017, pertaining to the land situated at village Vardhara & Gandhari, Taluka Virpur, District Kheda, which have been acquired for the purpose of Sujalam Sufalam Spreading Canal.

2.This Court by order dated 28.04.2023 passed in Civil Application for amendment no.1 of 2023 in First Appeal F 20922 of 2020 and by order dated 04.08.2022 in Civil Application for amendment No.1 of 2022 in F/First Appeal No.19885 of 2020, allowed the amendment of the cause title of both the First Appeals as well as the Civil Application for Stay and Civil Application for condonation of delay preferred by the applicant and thereby the legal heirs of the deceased claimant were brought on record and cause title was amended.

3.Inspite of the above fact, the Registry has not given effect to such order in the cause title as well as in the computer. Registry is therefore directed to give effect to the orders passed by this Court as above referred orders in the computer as well as in the register so as to reflect the name of the legal heirs of the deceased.

4. Issue Rule returnable on 17th July, 2023.

14.02.2024

At the request of learned AGP Ms. Foram U. Trivedi, stand over to 14th March, 2024.

06.05.2024

Learned Assistant Government Pleader seeks time to take appropriate steps with regard to the unserved expired respondent No.1.

Stand over to 08.07.2024.

03.12.2024

Mr. Rahevar, leaned AGP appearing for the applicant – State has invited attention of this Court to the order dated 21st June, 2023 passed in the present application seeking condonation of delay, whereby rule was issued upon the newly added heirs and legal representatives of the deceased respondent. It is further submitted that though sufficient time has lapsed the status of service of rule has not been verified till date and is shown to be not received back.

Registry is directed to call for the report about the status of the service of rule upon the newly added heirs and legal representatives before the next date of hearing.. Stand over to 23rd December, 2024.

25.07.2025

Learned AGP seeks time to take appropriate steps qua unserved respondent/s, stand over to 11.8.2025.

11.08.2025

Learned Assistant Government Pleader for the appellants seeks time to take appropriate steps qua the unserved expired respondent Nos.1.1.2 and 1.5.

Stand over to 08.09.2025.

10.11.2025

At the request of learned AGP Mr. Bhavesh Desai, as a last chance, the matter is adjourned to 08.12.2025 to comply with the order dated 25.07.2025 and 11.08.2025.

It is made clear that if the situation remains the same on or before the next date of hearing, appropriate orders will be passed. Stand over to 08.12.2025.”

2. On the present date as well, learned AGP Mr. Desai sought further time to take appropriate steps regarding the unserved and deceased respondent Nos. 1.1, 1.2, and 1.5.
3. As this Court has already observed in its previous order that the adjournment granted therein was to be treated as the final opportunity, this Court finds no reason to accede to the request made by learned AGP Mr. Desai. Consequently, the first appeal stands dismissed for failure to bring the legal heirs on record.

(M. K. THAKKER,J)

NIVYA A. NAIR

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: NIVYA ABHAY NAIR(HC01901), PRIVATE SECRETARY, at High Court of Gujarat on 08/12/2025 19:13:36