

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9288 of 2026**

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BHAVNABEN JALAMBHAI DESAI

Versus

SHAILESH CHANDULAL PATEL & ANR.

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Appearance:

MR VISHAL J DAVE FOR MR. GNANESH G BHATT(10015) for the
Petitioner(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 13/07/2026

ORAL ORDER

1. Heard Mr.Vishal J. Dave, learned advocate with Mr.Gnanesh Bhatt, learned advocate for the petitioner.

2. At the outset, Mr.Dave, learned advocate for the petitioner would submit that without prejudice to the rights and contentions of the petitioner, the petitioner is ready to deposit 50% of the decretal amount with the Appellate Court.

2.1 Mr.Dave, learned advocate would submit that there was no intentional delay on the part of the petitioner in filing the appeal after a period of 487 days. Since the petitioner was not made aware about the order of the Trial Court granting conditional leave to defend by her lawyer, it resulted into passing of the judgment and decree by the Trial Court. As soon as the petitioner received the notice in the execution proceedings, she came to know about the passing of money decree against the petitioner and preferred the appeal.

2.2 Mr.Dave, learned advocate would further submit that one opportunity of hearing may be granted to the petitioner to submit her case on merit and in the interest of justice, delay in filing the appeal may be condoned.

3. Having heard Mr.Dave, learned advocate for the petitioner and considering the fact that the petitioner is showing her *bona fide* by depositing 50% of the decretal amount, without prejudice to her rights and contentions in the Appellate Court, at this stage, without expressing further on merit, the petitioner is permitted to deposit 50% of the decretal amount before the Appellate Court on or before 31.08.2026.

4. Issue **Notice for final disposal**, returnable on **07.09.2026**. It is open for the parties to request for early hearing of this writ application.

GAURAV J THAKER

(MAULIK J. SHELAT, J)