

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2488 of 2024****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2025****In R/FIRST APPEAL NO. 2488 of 2024****With****CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 2 of 2025****In R/FIRST APPEAL NO. 2488 of 2024****With****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 3 of 2025****In CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 2 of 2025****In R/FIRST APPEAL NO. 2488 of 2024****JOMABHAI JETHABHAI****Versus****STATE OF GUJARAT & ORS.****Appearance:****MR RAJESH K SAVJANI(2225) for the Appellant(s) No. 1****MS BHUMI GANDHI AGP for the Defendant(s) No. 1****MS NANDITA SUROLIYA FOR GANDHI LAW ASSOCIATES(12275) for the Defendant(s) No. 3****NOTICE SERVED BY DS for the Defendant(s) No. 2****CORAM:HONOURABLE MR. JUSTICE BHARGAV D. KARIA****and****HONOURABLE MR.JUSTICE L. S. PIRZADA****Date : 27/03/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)****ORDER IN CIVIL APPLICATION NO.3 OF 2025**

1. Heard learned advocate Mr.Rajesh K. Savjani for the applicant, learned Assistant Government Pleader Ms.Bhumi Gandhi for the respondent No.1 and learned advocate Ms.Nandita Suroliya appearing for Gandhi Law Associates for the respondent No.3.

2. Rule returnable forthwith. learned Assistant Government Pleader Ms.Bhumi Gandhi and learned advocate Ms.Nandita Suroliya appearing for Gandhi Law Associates waive service of notice of rule on behalf of the respondent Nos.1 and 3 respectively.

3. By this application under Section 5 of the Limitation Act, 1963, the applicant seeks condonation of delay of 55 days caused in filing application for bringing heirs and legal representatives of the sole appellant in the captioned First Appeal.

4. Having regard to the submissions advanced by the learned advocate for the applicant and more particularly, considering the averments made in the memorandum of application, the Court is of the view that the delay caused in filing application for bringing heirs and legal representatives of the appellant has been sufficiently explained.

5. The application, therefore, succeeds and is, accordingly, allowed. The delay caused in filing application for bringing heirs and legal representatives of the sole appellant in the captioned First Appeal is hereby condoned.

6. Rule is made absolute accordingly with no order as to costs.

Order in Civil Application No.2 of 2025

1. Heard learned advocate Mr.Rajesh K. Savjani for the applicant, learned Assistant Government Pleader Ms.Bhumi Gandhi for the respondent No.1 and learned advocate Ms.Nandita Suroliya appearing for Gandhi Law Associates for the respondent No.3.

2. This is an application for bringing the legal representatives of the appellant – Shri Jomabhai Jethabhai, who expired on 24.02.2025 on the record of captioned First Appeal.

3. Considering the averments made in the application, the same is allowed. The legal heirs of the sole deceased appellant are permitted to be joined as appellant Nos.1.1 to 1.6 in the captioned First Appeal. Cause title be amended accordingly.

4. The Civil Application is accordingly disposed of.

Order in First Appeal No.2488 of 2024 and Civil Application No.1 of 2025

At the request of learned advocate Ms.Nandita Suroliya appearing for Gandhi Law Associates for the respondent No.3, stand over to 29.04.2026.

(BHARGAV D. KARIA, J)

(L. S. PIRZADA, J)

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