

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9422 of 2026**

=====

KARAJI GADAJI THAKOR (BARRAIYA) & ORS.

Versus

JAGDISHBHAI FATEHSINGH SODHA

=====

Appearance:

MR. MOHAMMAAD HASNAIN S SHAIKH(17319) for the Petitioner(s) No.

1,2,3,4,5,6,7,8

MR. SHAHEZADHUSAIN M SHAIKH(16385) for the Petitioner(s) No.

1,2,3,4,5,6,7,8

=====

CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 16/07/2026****ORAL ORDER**

1. Heard Mr. Shahezadhusain M. Shaikh, learned Advocate for the petitioners.
2. Mr. Shaikh, learned Advocate, would submit that there is no intentional or mala fide act on the part of the petitioners not to pursue the suit, but they were remained under the *bona fide* impression that the Advocate who was engaged by them, would inform them about the progress of the suit and the stage of the suit, which ultimately resulted into the dismissal of the suit for default. It is submitted that the suit in question was dismissed for non-prosecution by the Trial Court on 15.03.2022, whereas the restoration application along with the delay application

came to be filed on 24.07.2024, but the Trial Court has taken a very hyper-technical approach and has not condoned the delay of 2 years and 8 days in filing the restoration application.

- 2.1. Mr. Shaikh, learned Advocate, would further submit that the petitioners are ready to pay reasonable costs to the respondents if this Court is inclined to condone the delay; and on any other appropriate conditions, one opportunity may be granted to the petitioners to pursue their suit on merits.
3. Having heard the learned Advocate appearing for the petitioners and having considered the submissions advanced, without expressing any opinion on the merits of the case, at this stage, let the petitioners first deposit a sum of Rs.15,000/- as probable costs of the respondent with the Registry of this Court, and a further sum of Rs.10,000/- with the Gujarat State Legal Services Authority on or before 17.08.2026.
4. Upon depositing of such amount of costs, issue Notice for final disposal, returnable on 01.10.2026.
5. It is open for the respondent to withdraw the said amount upon entering his appearance in person or through a lawyer.

(MAULIK J.SHELAT,J)

NILESH