

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 4678 of
2025**

In F/FIRST APPEAL NO. 19980 of 2025

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GUJARAT RURAL HOUSING BOARD
Versus
LABHUBEN BHIKHABHAI & ORS.

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Appearance:

MR AR THACKER(888) for the Applicant(s) No. 1

SHIVANG A THACKER(7424) for the Applicant(s) No. 1

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CORAM: HONOURABLE MRS. JUSTICE M. K. THAKKER

**Date : 17/11/2025
ORAL ORDER**

1. This application is filed under Section 5 of the Limitation Act for condonation of delay of 5798 days occurred in filing the first appeal challenging the order dated 31.12.2010 passed by the learned Principal Senior Civil Judge, Gandhinagar in Land Reference Case No.119 of 2003.

2. Learned advocate Mr. Amit Ghorpade for learned advocate Mr. Thacker for the applicants submits that delay of 5798 days occurred on the ground that the inward Clerk of the office of the applicant has misplaced the communication addressed by the LAQ Officer of the respondent No.4 to the applicant with regard to the passing of the judgment and award. It is only after filing of execution application i.e. in the year 2018 that the applicant

came into the knowledge with regard to the impugned judgment and award. On that ground, learned advocate Mr. Ghorpade prays for condonation of the delay of 5798 days caused in filing the first appeal.

3. Considering the submissions made by the learned advocate Mr. Ghorpade, it emerges that the impugned award under challenge was passed on 31.12.2010, whereas present application along with first appeal came to be filed on 23.06.2025 which was registered on 03.09.2025. It further emerges that except one word with regard to the missing of communication, no other explanation offered in the application. Additionally, learned advocate Mr. Thacker has submitted that during the execution proceedings the amount deposited by the present applicants has already been disbursed in favour of the claimant and in that background, no purpose would survive to entertain this application. Hence, the present application is rejected.

4. Since this application is rejected, the captioned appeal does not survive and the same is also rejected.

(M. K. THAKKER,J)

Vikramsinh Amarsinh