

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3319 of 2005****With****CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2026
In R/FIRST APPEAL NO. 3319 of 2005****With****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2 of 2026
In CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2026
In R/FIRST APPEAL NO. 3319 of 2005**=====
ANAND CHUNILA VORA**Versus****RAMJI SAVA LABADIA & ANR.**
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Appearance:**MR PREMAL S RACHH(3297) for the Appellant(s) No. 1****MR NL RAMNANI(2400) for the Defendant(s) No. 1****RULE SERVED for the Defendant(s) No. 2**
=====**CORAM: HONOURABLE MR. JUSTICE MOOL CHAND TYAGI****Date : 02/09/2026****ORAL ORDER****ORDER IN CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2 of 2026**

1. The present application has been preferred seeking condonation of delay of 4494 days caused in preferring the application for bringing the legal heirs of original opponent No.1 – Mr. Ramji Sava Labadia on record on account of his death.

2. Heard learned counsels for the parties.

3. Mr. Rachh, learned counsel for the applicant submitted that the factum of death of the original opponent No.1 – Mr. Ramji Sava Labadia came to the knowledge of the applicant only when the arguments were

over in the appeal. Therefore, the application for bringing the legal heirs of the deceased could not be preferred within the period of limitation. He further submitted that the delay is neither intentional nor malafide, but has occasioned owing to the reasons mentioned in detail in the instant application.

4. Mr. Ramnani, learned counsel appearing on behalf of the proposed respondents submitted that considering the facts and circumstances of the case, an appropriate order may be passed.

5. This Court has considered the submissions advanced by the learned counsels for the parties and has gone through the material available on record. It is to be noted that the applicant came to know about the death of the deceased belatedly, i.e., only when the arguments were over in the First appeal. Thus, it prima facie appears to this Court that the delay is neither intentional nor malafide. Thus, in view of the law laid down by the Hon'ble Apex Court in the case of ***Collector, Land Acquisition, Anantnag & Anr. v. MST. Katiji & Ors. [AIR 1987 SC 1353]*** and having regard to the grounds pressed into service, I am of the considered view that the delay has been sufficiently explained. Therefore, the delay occurred in preferring the application for bringing the legal heirs of the deceased on record is hereby condoned.

6. In view of the above, the present application stands disposed of. No order as to costs.

**ORDER IN CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1
OF 2026**

1. The captioned Civil Application has been preferred for bringing the legal heirs and representatives of original opponent No.1 – Mr. Ramji Sava Labadia on record as well as to set aside the order of abatement.
2. Heard learned counsel for the applicant.
3. Mr. Rachh, learned counsel appearing on behalf of the applicant submitted that original opponent No.1 – Mr. Ramji Sava Labadia had expired on 17.09.2013, leaving behind legal representatives as narrated in para 3 of the instant application. He further submitted that the Death Certificate of the deceased is produced on record along with this application. He further submitted that the right to sue survives, as such, prayed that the legal representatives of the deceased may be brought on record and the order of abatement be set aside.
4. Mr. Ramnani, learned counsel appearing on behalf of the proposed respondents submitted that considering the facts and circumstances of the case, an appropriate order may be passed.
5. Having considered the submissions advanced by the learned advocate for the applicant and having gone through the papers filed along with this application, it appears from the Death Certificate that the deceased had expired on 17.09.2013. Perusal of the application transpires that the deceased had left behind legal representatives, as narrated in para 3 of the instant application. Further, the right to sue

still survives, therefore, the instant application deserves to be allowed. Accordingly, the abatement is set aside, and the legal representatives of the deceased are ordered to be brought on record.

6. Applicants are directed to carry out the necessary amendments forthwith.

7. Registry is directed to take necessary steps to reflect the names of newly impleaded legal heirs in the array of parties in the First Appeal.

ORDER IN R/FIRST APPEAL

Issue Notice to the legal heirs impleaded vide order passed today in Civil Application No.1 of 2026, returnable forthwith. Mr. Ramnani takes notice on behalf of the newly impleaded respondents, i.e., Respondent Nos.1.1 to 1.6 and waives service of notice on their behalf.

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(MOOL CHAND TYAGI, J)