

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2 of 2023

In

R/FIRST APPEAL NO. 3763 of 2021

With

CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2023

In

R/FIRST APPEAL NO. 3763 of 2021

With

R/FIRST APPEAL NO. 3763 of 2021

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KALPESH BHARATKUMAR MANKAD

Versus

KAMAL ASSOCIATION

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Appearance:

P M BUCH(7383) for the Appellant(s) No. 1,2,2.1

for the Defendant(s) No. 10,2,3,5,6,7,8,9

MR HEMANG M SHAH(5399) for the Defendant(s) No. 1,4

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CORAM: HONOURABLE MR. JUSTICE BHARGAV D. KARIA

Date : 19/07/2023

ORAL ORDER

Heard learned advocate Mr. P.M. Buch for the applicants-appellants and learned advocate Mr. Hemang Shah for the respondent nos. 1 and 4.

Order in Civil Application No.2 of 2023:

By this application under section 5 of the Limitation Act, 1963, the applicant seeks condonation

of delay of 95 days caused in filing the Civil Application for bringing the legal heirs and representatives of respondent no.7 - deceased Atmaja Tushar Trivedi on record of the main matter.

Having regard to the submissions advanced by the learned advocates for the respective parties and more particularly considering the averments made in the memorandum of application, the Court is of the view that the delay caused in filing the Civil Application for bringing legal heirs and representatives of deceased respondent no. 7 on record has been sufficiently explained.

The application, therefore, succeeds and is, accordingly, allowed. The delay caused in filing the Civil Application for bringing legal heirs and representatives of deceased respondent no. 7 on record is hereby condoned. Civil Application accordingly stands disposed of.

Order in Civil Application No.1 of 2023:

This is an application for bringing the legal representatives of the deceased respondent no. 7- Atmaja Tushar Trivedi who expired on 16.12.2022 on the record of main matter i.e. First Appeal No.3763 of 2021.

Considering the averments made in the application, the same is allowed. The legal heirs of deceased respondent no.7 are permitted to be joined as respondent nos. 7.1 and 7.2 in the main matter. Cause title be amended accordingly. Civil Application is accordingly disposed of.

Order in First Appeal:

Stand over to 2nd August, 2023.

The stay granted by the trial Court to continue till the next date of hearing.

RAGHUNATH R NAIR

(BHARGAV D. KARIA, J)