

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 5528 of
2025****In F/MISC. CIVIL APPLICATION/34020/2025****In F/CROSS OBJECTION/14647/2025****In R/FIRST APPEAL/2873/2024**

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AMRUTABEN VITTHALBHAI DHANJA & ORS.**Versus****NEW INDIA INSURANCE CO. LTD. & ORS.**

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Appearance:**MS DISHA N NANAVATY(2957) for the Applicant(s) No. 1,2,3**

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 08/01/2026****ORAL ORDER**

[1.0] This application is filed under Section 5 of the Limitation Act for condonation of delay of 35 days caused in filing the application for restoration of Cross Objection in First Appeal No.2873/2024, which came to be dismissed for non-prosecution for non-removal of office objections.

[2.0] I have heard the learned advocate for the applicants.

[3.0] It is submitted by the learned advocate for the applicants that the applicants could not file the application for restoration of Cross Objection in First Appeal in timely fashion because of the reasons mentioned in para 3 of the application and therefore, has requested to condone the delay caused in filing the application for restoration of Cross Objection in First Appeal.

[4.0] Considering the submissions made by the learned advocate for the applicants, the applicants have mentioned sufficient

cause for condonation of delay. The primary function of the Court is to adjudicate the dispute between the parties and to advance substantial justice. Rules of limitation are not meant to destroy the rights of parties. The Court is aware of the fact that denial to condone the delay would mean to dismiss the restoration application at threshold and there is no presumption that the delay caused by the applicant is deliberate. In view thereof, the words 'sufficient cause' under Section 5 of the Limitation Act should receive a liberal consideration so as to advance substantial justice. Even reason stated appears to be bonafide and genuine. There is no smack of malafide or dilatory tactics on the part of the applicant. Further, it is apposite to refer to the decision of the Hon'ble Apex Court in the case of **N. Balakrishnan v. N. Krishnamurthy** reported in **(1998) 7 SCC 123**.

[5.0] In view of the above, the delay of 35 days as explained in para 3 of the memo application is condoned. The application is accordingly allowed.

(HASMUKH D. SUTHAR, J.)

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