

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 5568 of
2025**

In F/FIRST APPEAL/30566/2025

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NEHA W/O HEMANT SAPKAL D/O PATEL MAHENDRABHAI

Versus

HEMANT JIVRAJ SAPKAL

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Appearance:

MR YASH K DAVE(10269) for the Applicant(s) No. 1

YASHKUMAR J TRIVEDI(9624) for the Applicant(s) No. 1

RULE SERVED for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE A.Y. KOGJE

and

HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 12/03/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)

1. This application is filed by the applicant under Section 5 of the Limitation Act for condoning the delay of 449 days in preferring the appeal against the judgment and order dated 08-04-2024 passed by the Principal Judge, Family Court, Bharuch in Family Suit No.107 of 2023.

2. Though served, none has appeared on behalf of the respondent.

3. Considering the observations made by this Court in its previous orders dated 21-11-2025 and 04-12-2025 and Affidavit of the applicant for explaining the delay particularly wherein in Para-5, the applicant has explained the circumstances for the delay.

4. The Court observes that the wife is not receiving any maintenance and she has to spend money for her old aged mother and younger brother. The mother is also suffering from several diseases.

5. In view of the aforesaid, the delay is being explained sufficiently, the Court deems it fit to condone the delay of 449 days.

6. In view of the aforesaid, the application is ***allowed***. Rule is made absolute to the aforesaid extent. The delay of 449 days in preferring the appeal against the judgment and order dated 08-04-2024 passed by the Principal Judge, Family Court, Bharuch in Family Suit No.107 of 2023 is hereby condoned.

(A.Y. KOGJE, J)

(NISHA M. THAKORE,J)

PARESH SOMPURA