

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 5658 of 2025
In F/CROSS OBJECTION/35095/2025
In R/FIRST APPEAL/1586/2025

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PADMABEN SHAILESHKUMAR BARIA (HEIRS OF DECD. SHAILESHKUMAR
LAXMANSINH BARIA) & ORS.

Versus
MAHESHKUMAR JESINGBHAI BARIA & ANR.

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Appearance:

KAASH K THAKKAR(7332) for the Applicant(s) No. 1,2,3,4
MR VIBHUTI NANAVATI(513) for the Respondent(s) No. 2

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CORAM: **HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**

Date : 05/01/2026
ORAL ORDER

1. Heard learned advocates for the respective parties.
2. This application is filed under Section 5 of the Limitation Act for condonation of delay of 74 days caused in filing the cross objection on the ground that the applicant could not arrange the amount for payment of court fees in time.
3. Having heard the learned advocates for the respective parties and considering the averments made in this application and considering the fact that the First Appeal is already pending for adjudication, it appears that sufficient cause is made out to condone the delay and in view of the judgment passed by the Hon'ble Apex Court in the case of N. **Balakrishnan vs. N. Krishnamurthy, reported in AIR 1998 3222, therefore**, the delay of 74 days as explained by the learned advocate for the applicant is considered. The application is accordingly allowed.

ALI

(HASMUKH D. SUTHAR,J)