

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 6132 of
2025
In F/FIRST APPEAL/37547/2025

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PATHAN MAHMADKHAN JORAMIYA & ANR.

Versus

PRATAPSIKH HIMMATSINX RATHOD & ORS.

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Appearance:

MR AV PRAJAPATI(672) for the applicants(s) No. 1,2

NOTICE SERVED for the Respondent(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE MOOL CHAND TYAGI

Date : 30/07/2026

ORAL ORDER

1. Heard learned advocate for the applicants. Noticing the limited prayer sought for in the present application, the same is taken up for hearing at admission stage without issuance of notice upon the respondents.

2. Present application is preferred under Section 5 of the Limitation Act, praying for condonation of delay of 2944 days caused in preferring the appeal.

3. Learned advocate for the applicants - original claimant has relied upon the averments made in the instant application and submitted that the appeal could not be presented within the prescribed period of limitation. Learned advocate for the applicants further submitted that looking to the benevolent piece of legislation, the applicants intends to present his case for enhancement of the compensation. He has therefore,

urged this Court to take liberal view and condone the delay.

4. Considering the aforesaid submissions advanced by the learned advocate for the applicants and 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 for condonation of delay, in my considered view, constitutes sufficient cause to condone the delay, hence, the present application deserves to be allowed and is accordingly **allowed**, subject to the condition that the claimant/s shall **not** be **entitled** for any interest on the enhanced amount for the period of delay, if the appeal for enhancement is allowed. No order as to costs.

UMESH/-

(MOOL CHAND TYAGI, J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: CHAVDA UMESH(HC00203), Principal pvt Secretary, at High Court of Gujarat on 31/07/2026 10:58:24