

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 6216 of
2025****In F/FIRST APPEAL/38506/2025**

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DASHARATHBHAI SHANABHAI PARMAR & ANR.**Versus****ANILKUMAR RAM KARAN & ORS.**

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Appearance:

MR HIREN M MODI(3732) for the Applicant(s) No. 1,2

MS MASUMI V NANAVALTY(9321) for the Respondent(s) No. 2

MR VIBHUTI NANAVALTY(513) for the Respondent(s) No. 2

NOTICE SERVED for the Respondent(s) No. 3

NOTICE THROUGH SPEED POST NOT RECEIVED BACK for the Respondent(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE HASMUKH D. SUTHAR**Date : 12/02/2026****ORAL ORDER**

[1.0] This application is filed under Section 5 of the Limitation Act for condonation of delay of 43 days caused in filing the First Appeal.

[2.0] Though served, respondent No.3 has chosen not to appear before this Court. I have heard the learned advocate for the applicants and learned advocate for respondent No.2.

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

[4.0] Learned advocate for respective respondents have vehemently opposed the present application.

[5.0] Considering the submissions made by the learned advocates for the respective parties, 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 First Appeal 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**.

[6.0] In view of the above, the delay of 43 days as explained in memo of the application is condoned. The application is accordingly allowed.

Registry to show names of Mr. H.B. Champavat and Mr. Vibhuti Nanavati as learned advocate appearing respectively for respondent No.1 and respondent No.2.

(HASMUKH D. SUTHAR, J.)

Ajay