**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 1471 of 2024**

**In F/FIRST APPEAL NO. 8638 of 2024**

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THE STATE OF GUJARAT & ANR.

Versus

LABHUBEN RAGHAVBHAI BALDHA & ORS.

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Appearance:
MR SHIVAM DIXIT, ASST.GOVERNMENT PLEADER for the Applicant(s) No. 1,2
FRESH NOTICE SERVED(4512) for the Respondent(s) No. 4
NOTICE SERVED for the Respondent(s) No. 2
NOTICE UNSERVED for the Respondent(s) No. 3
UNSERVED EXPIRED (N) for the Respondent(s) No. 1

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CORAM: **HONOURABLE MR. JUSTICE A.Y. KOGJE**
and
**HONOURABLE MR.JUSTICE J. L. ODEDRA**

**Date : 08/12/2025**

**ORAL ORDER**
**(PER : HONOURABLE MR. JUSTICE A.Y. KOGJE)**

1. This application is filed by the applicants under Section 5 of the Limitation Act for condoning the delay of 652 days in preferring the First Appeal (Filing) No.8638 of 2024.

2. Learned advocate has drawn attention of this Court to the contents of para-2 to 5 of the application, wherein it stated that the learned 2nd Senior Civil Judge, Junagadh pronounced the judgement and award on 16.02.2022 and, therefore, pursuant to the said judgement and award, an application was preferred on 12.07.2022 by the concerned District Government Pleader to

obtain the certified copy of the judgement and award along with requisite Court Fees was also paid. Intimation was received by the District Government Pleader from the Registry of the Reference Court and the certified copy was preferred and it was ready for delivery. The District Government Pleader duly received all the certified copy of the judgement and award on 12.07.2022. On receipt of the same, the District Government Pleader forwarded the opinion on 29.09.2022 with respect to the content of the award to prefer an appeal before this Court. Thus, the proposal to prefer appeal along with the opinion of the District Government Pleader was sent to Acquisition Authority on 04.10.2022 with an opinion to file Appeal. The proposal was sent to Executive Engineer, Rajkot Irrigation Project Circle Office, Rajkot with an opinion to file Appeal on 07.11.2022. On 16.06.2023, the Legal Department, Gandhinagar in turn forwarded the proposal and details demonstrating requisite sanctions obtained from all the departments. On 09.08.2023, office of the Executive Engineer Irrigation Department, Junagadh sent entire set of papers to the office of the Government Pleader, High Court of Gujarat to file Appeal. On the basis of the details forwarded, draft of Appeal was prepared and was sent for approval to the Legal Department. Thereafter, the Appeal was filed before this Court.

3. Therefore, learned advocate has drawn attention of this Court to the reasons for which delay has occurred.

4. Considering the aforesaid, particularly, period of 652 days of delay, the Court is of the view that considering the facts

involved in the case, delay cannot be treated as inordinate.

6. Considering the submissions and the contents of the para mentioned hereinabove, the delay is also explained sufficiently.

7. A reference in this regard may be made to the judgment of the Supreme Court in case of **Sheo Raj Singh (Deceased) through Legal Representatives and others** vs/. **Union of India and Another**, reported in, **(2023) 10 SCC 531**, wherein the term "Sufficient Cause" was interpreted and the approach of Courts while deciding application for condonation of delay was discussed.

8. **In view of the aforesaid, the application is *allowed*.** The delay of 652 days caused in preferring the First Appeal (Filing) No.8638 of 2024 is hereby condoned. Registry is directed to list the main appeal in due course.

**(A.Y. KOGJE, J)**

**(J. L. ODEDRA, J)**

SUDHIR



Original copy of this order has been signed by the Hon'ble Judges.
Digitally signed by: SUDHIR ACHUTHAN EZHUTHASSAN(HC00192), GOV, at High Court of Gujarat on 16/12/2025 17:48:39