IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 1872 of 2019

In F/FIRST APPEAL NO. 18540 of 2019

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DEPUTY COLLECTOR, REHABILITATION/ LAND ACQUISITION OFFICER & ORS.

Versus

JETUNBIBI BHIKHANBHAI & ORS.

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Appearance:
MR SHIVAM DIXIT, ASST. GOVERNMENT PLEADER for the Applicant(s) No. 1,2,3
DECEASED LITIGANT for the Respondent(s) No. 1.1,1.3,2.1
DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESTENTATIVES for the Respondent(s) No. 1,1.2,2

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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 applicant under Section 5 of the Limitation Act for condoning the delay of 453 days in preferring the First Appeal being First Appeal (Filing) No.18540 of 2019.

2. Learned advocate has drawn attention of this Court to the contents of para-3 to 12 of the application, wherein it is stated that the impugned judgement and award has been decided on 08.11.2017 and thereafter the impugned judgement and and award was made ready and District Government Pleader was in

receipt of certified copy and thereafter the District Government Pleader has sent the report under Law Officers Rules to the concerned office. It is further stated that some time has been consumed in making internal communications and getting approval of the concerned head of the departments and thereafter certified copy of the impugned judgement and award, report under law officers' Rules, checklist under the same and other incidental documents thereto including proposal statement dated 07.04.2018 have been received on 09.04.2018 by the concerned department issued and initiated by the officer of the Superintendent Engineer, Ahmedabad Irrigation Project Circle, Ahmedabad. It is further stated that after perusal of the aforementioned proposal, the concerned department has given the sanction to put forward the said proposal before the appropriate committee on 24.04.2018. Thereafter, the proposal has been put forward before the appropriate committee and in a meeting held on 21.05.2018, the appropriate committee has opined to prefer an appeal before the appropriate forum. On 12.06.2018, it has been decided to get the sanction of the Legal Department as well as Revenue Department, over the recommendations of the appropriate Committee for which the Committee has opined to prefer an appeal before the appropriate forum. The Revenue Department has sanctioned the recommendations of the appropriate committee on 30.06.2018 and proposal has been sent to the Legal Department for the sanction. On 05.07.2018, the Legal Department has sanctioned to file an appeal against the impugned judgement and award and directed the concerned department to provide the necessary documents to be sent to the office of the Government Pleader,

High Court of Gujarat for drafting and its further actions. The Office of the Government Pleader, thereafter, has raised certain objections and also sought for certain clarifications and instructions from the concerned department. Some delay has been occurred in collecting and sending certain information and clarifications to the officer of the Government Pleader as certain documents and certified copy of the impugned judgement and award were called upon. On receipt of the same by the Office of the Government Pleader, concerned Assistant Government Pleader has drafted the present delay condonation application as well as First Appeal and Stay application.

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 453 days of delay, the Court is of the view that considering the facts involved in the case, delay cannot be treated as inordinate.

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

6. 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.

7. **In view of the aforesaid, the application is *allowed*.** The delay of 453 days in preferring the First Appeal being First Appeal (Filing) No.18540 of 2019 is hereby condoned. Rule is made absolute to the aforesaid extent. 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 11/12/2025 13:57:06