IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 4170 of 2025
In
F/FIRST APPEAL NO. 24633 of 2025

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HAVABAI HAJI TURIYA & ORS.
Versus
RANJITSINH NIRMALSINH ZALA & ORS.

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Appearance:
NISHIT A BHALODI(9597) for the Applicant(s) No. 1,2,3,4,5,6
NOTICE SERVED for the Respondent(s) No. 2,3
NOTICE UNSERVED for the Respondent(s) No. 1

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

Date : 11/12/2025
ORAL ORDER

1) Heard learned advocate Mr. Nishit Bhalodi appearing for the applicants. Though served, none appears for respondent Nos.2 and 3.

2) This application is filed under Section 5 of the Limitation Act for condonation of delay of **113 days** caused in filing the First Appeal.

3) It is submitted by the learned advocate for the applicant that the applicant could not file 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) Considering the submissions made by the learned advocates for the respective parties, the applicant has

mentioned sufficient cause for condonation of delay in paragraph No.3 of the application. 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.**

5) In view of the above, the delay of **113 days** as explained in memo of the application is condoned. The application is accordingly **allowed**.

(HASMUKH D. SUTHAR,J)

GARVITA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: GARVITA KACHHWAHA(HC02358), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 15/12/2025 16:36:11