IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY) NO. 9119 of 2025
In
F/CRIMINAL REVISION APPLICATION/17630/2025

==========

MAHESHBHAI KADVABHAI VASOYA
Versus
KESHUBHAI BABUBHAI LEELA & ANR.

==========

Appearance:
MR APURVA K JANI(7057) for the Applicant(s) No. 1
MR HITESH V PATEL(6090) for the Respondent(s) No. 1
MS JYOTI BHATT, APP for the Respondent(s) No. 2

==========

CORAM:**HONOURABLE MS. JUSTICE GITA GOPI**
Date : 10/04/2026
ORDER

1. Heard the learned advocates appearing for the respective parties.

2. By way of this application under Section 5 of the Limitation Act, 1963, the applicant has prayed for condonation of delay of 14 days occurred in preferring the application.

3. Mr. Apurva Jani, learned advocate for the applicant submits that the applicant was suffering from financial crunch and thus, could not seek legal assistance in time and thus, there is a delay in filing the application.

4. Learned APP for the respondent–State submits that the delay in filing the application is not sufficiently explained and therefore, the present application may be rejected.

5. Mr. Hitesh Patel, learned advocate for the respondent no.1 submitted that each day's delay has to be sufficiently explained since the matter requires hearing on merits.

6. In the case of **Collector, Land Acquisition, Anantnag and Another v. Mst. Katiji and Others** reported in **AIR 1987 SC 1353**, it has been observed as under:-

> *"3. The legislature has conferred the power to condone delay by enacting Section 5 of the Indian Limitation Act of 1963 in order to enable the Courts to do substantial justice to parties by disposing of matters on 'merits'. The expression "sufficient cause" employed by the legislature is adequately elastic to enable the courts to apply the law in a meaningful manner which subserves the ends of justice that being the life-purpose for the existence of the institution of Courts. It is common knowledge that this Court has been making a justifiably liberal approach in matters instituted in this Court. But the message does not appear to have percolated down to all the other Courts in the hierarchy. And such a liberal approach is adopted on principle as it is realized that:-*
>
> *1. Ordinarily a litigant does not stand to benefit by lodging an appeal late.*
>
> *2. Refusing to condone delay can result in a meritorious matter being thrown out at the very threshold and cause of justice being defeated. As against this when delay is condoned the highest that can happen is that a cause would be decided on merits after hearing the parties.*
>
> *3. "Every day's delay must be explained" does not mean that a pedantic approach should be made. Why not every hour's delay, every*

second's delay? The doctrine must be applied in a rational common sense pragmatic manner.

4. When substantial justice and technical considerations are pitted against each other, cause of substantial justice deserves to be preferred for the other side cannot claim to have vested right in injustice being done because of a non-deliberate delay.

5. There is no presumption that delay is occasioned deliberately, or on account of culpable negligence, or on account of mala fides. A litigant does not stand to benefit by resorting to delay. In fact he runs a serious risk.

6. It must be grasped that judiciary is respected not on account of its power to legalize injustice on technical grounds but because it is capable of removing injustice and is expected to do so."

7. In view of the principles laid down in the above-referred decision, considering the averments made in the application and as the delay is sufficiently explained, the delay of 14 days occurred in filing the application deserves to be condoned and is hereby condoned.

8. Accordingly, the present application is allowed. Registry is directed to list the Revision Application in regular course.

(GITA GOPI,J)

Maulik

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAULIK RAJESH PANDYA(HC00205), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 10/04/2026 17:00:09