IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 1536 of 2013

With
CIVIL APPLICATION (FOR SET ASIDE ABATEMENT) NO. 1 of 2026
In R/FIRST APPEAL NO. 1536 of 2013
With
CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 2 of 2026
In CIVIL APPLICATION (FOR SET ASIDE ABATEMENT) NO. 1 of 2026
In R/FIRST APPEAL NO. 1536 of 2013
With
R/CIVIL APPLICATION NO. 3450 of 2026
In
R/FIRST APPEAL NO. 1536 of 2013

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REGIONAL MANAGER
Versus
IBRAHIM SULEMAN MATADAR & ANR.

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Appearance:
MR MG NAGARKAR(496) for the Appellant(s) No. 1
DECEASED LITIGANT for the Defendant(s) No. 1
RULE UNSERVED for the Defendant(s) No. 2

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CORAM:**HONOURABLE MR.JUSTICE MOOL CHAND TYAGI**

Date : 22/10/2026

ORAL ORDER

ORDER IN R/CIVIL APPLICATION NO. 3450 of 2026

1. The captioned application has been preferred with a prayer seeking condonation of delay of 6255 days occurred in preferring the application for setting aside the abatement of the captioned appeal.

2. Heard learned counsel for the parties.

3. Learned counsel for the applicant submitted that the delay is neither intentional nor malafide, but has occasioned owing to the reasons mentioned in the instant application. It is submitted that

considering the reason for delay, the captioned application deserves to be allowed.

4. Learned counsel appearing on behalf of the respondents submitted that considering the facts and circumstances of the case, an appropriate order may be passed.

5. Having considered the submissions advanced by the learned counsels for the parties and having gone through the material available on record, I am of the considered view that the delay has been sufficiently explained. Therefore, the delay occurred in preferring the preferring the application for setting aside the abatement is hereby condoned. In view thereof, the captioned application stands allowed to the aforesaid extent with no order as to costs and is accordingly disposed of.

ORDER IN CIVIL APPLICATION (FOR SET ASIDE ABATEMENT) NO. 1 of 2026.

The captioned application has been preferred with a prayer to quash and set aside the abatement of the main appeal.

Heard learned counsels for the parties.

Having considered the submission advanced by the learned counsels for the parties having gone through the averments made in the application, the abatement is set aside. In view thereof, the captioned application stands disposed of.

ORDER IN CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 2 of 2026

1. The captioned Civil Application has been preferred for bringing the legal heirs and representatives of original claimant – Mr. Ibrahim Suleman Matadar on record.

2. Heard learned counsel for the applicants.

3. Learned counsel appearing on behalf of the applicant submitted that original claimant had expired on 12.01.2009, leaving behind legal representatives as narrated in para 4 of the instant application. He further submitted that the right to sue survives, as such, prayed that the legal representatives of the deceased may be brought on record.

4. Learned counsel appearing on behalf of the proposed respondents submitted that considering the facts and circumstances of the case, an appropriate order may be passed.

5. Having considered the submissions advanced by the learned advocate for the applicants and having gone through the records, it appears that the original claimant had expired on 12.01.2009. Perusal of the application transpires that the deceased had left behind legal representatives, as narrated in para 4 of the instant application. Further, the right to sue still survives, therefore, the instant application deserves to be allowed. Accordingly, the legal representatives of the deceased are ordered to be brought on record.

6. Applicants are directed to carry out the necessary amendments forthwith.

7. Registry is directed to take necessary steps to reflect the names of newly impleaded legal heirs in the array of parties in the First Appeal.

ORDER IN R/FIRST APPEAL NO. 1536 of 2013

1. It has been pointed out that respondent No.1.1 had expired in the year 2014. In view thereof, proceedings qua respondent No.1.1 stands abated.

2. It is to be noted that in the captioned first appeal, the amount of compensation involved is below Rs.5,00,000/-.

3. Learned counsel appearing on behalf of original claimant/s submitted that the present appeal may not deserve to be heard on merits as the amount of compensation awarded by the learned Reference Court is less than Rs.5,00,000/-. It is submitted that the State Government has framed the policy and issued the GR to withdraw all such appeals before the Lok Adalat wherein the amount of compensation is less than Rs.5,00,000/-. It is submitted that after filing of the appeal, the Lok Adalat was held on many occasions but despite this fact, this appeal was not withdrawn. It is submitted that the appeal may not be kept pending for an indefinite period at the whims and fancies of the appellant.

4. Learned AGP has not disputed the fact that the State Government has issued the GR on 25.10.2016, whereby it has been directed to withdraw the appeal involving amount less than Rs.5,00,000/- in Lok Adalat.

5. It is pertinent to note that the State Government vide its GR dated 25.10.2016 through its Revenue Department, has resolved that claims upto Rs.5,00,000/- are to be considered as petty claims and the matters involving amount upto Rs.5,00,000/- be disposed of accordingly.

6. In the aforementioned GR, the State Government took the policy decision that matters arising under the Land Acquisition Act having involvement of stake of less than Rs.5,00,000/- has to be withdrawn in Lok Adalat. In view of such state litigation policy, if a matter, which is supposed to be withdrawn in Lok Adalat, cannot wait for disposal in forthcoming Lok Adalat. Therefore, this matter needs to be disposed of during regular hearing.

7. Having considered the submissions of the learned counsels for the respective parties, this Court is of the view that in the captioned appeal, the amount of compensation as awarded by the learned Reference Court is on lower side i.e. less than Rs.5,00,000/- and therefore, considering the smallness of the awarded amount involved in the present appeal and having regard to the State policy, this Court is not inclined to entertain the present appeal and therefore, present appeal stands dismissed on account of smallness of amount. Consequently, pending CAs, if any, does not survive and the same also stand disposed of.

8. However, it is clarified that dismissal of present appeal shall not be construed that the Court has decided any legal issue involved in the subject matter of present appeal and therefore, the decision of present appeal shall not be treated as precedent for deciding any legal issue or issue of compensation in any other matter arising out of the same

notification.

9. Registry is directed to return back the R & P, if any, to the concerned Court forthwith.

10. The learned Reference Court is directed to disburse the amount of compensation deposited to the claimant/s along with interest, after deducting Court fee to the claimant/s, after due verification and identification and after verifying their right to claim the compensation.

(MOOL CHAND TYAGI, J)

ARUN

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ARUN B(HC02368), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 29/10/2026 11:26:18