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

**R/CRIMINAL MISC.APPLICATION (FOR CONDONATION OF DELAY) NO. 24863 of 2026**

**In F/CRIMINAL REVISION APPLICATION/41827/2026**

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DIPALIBEN W/O JIGNESHBHAI MAKWANA D/O JAYANTIBHAI THAKARSHIBHAI PATEL

Versus

JIGNESHBHAI RAMJIBHAI MAKWANA & ANR.

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Appearance:
A A DAUDIVHORA(7516) for the Applicant(s) No. 1
MS. C.M. SHAH, APP for the Respondent(s) No. 2

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CORAM:**HONOURABLE MS. JUSTICE S.V. PINTO**

**Date : 22/10/2026**

**ORAL ORDER**

**1.** **Rule**. Learned APP waives service of rule for the Respondent State.

**2.** Heard learned advocate Mr. A.A. Daudivhora for the applicant.

**3.** The present application seeks condonation of delay of 1 day in preferring the accompanying Criminal Revision Application challenging the judgment and order passed by the learned Family Judge.

**4.** The applicant has explained the delay by stating that after pronouncement of the impugned judgment, certified

copies were obtained, legal advice was sought and necessary documents required for filing the revision application were collected. It is contended that the delay was neither intentional nor deliberate but occasioned due to circumstances beyond the control of the applicant.

**5.** Learned APP for the respondent opposed the application contending that the explanation is not satisfactory and that the applicant has failed to demonstrate sufficient cause warranting condonation of delay.

**6.** I have considered the submissions and perused the material placed on record.

**7.** The law relating to condonation of delay is no longer res integra. In **Collector, Land Acquisition, Anantnag v. Mst. Katiji** reported in **(1987) 2 SCC 107**, the Hon'ble Supreme Court has observed that a liberal approach should ordinarily be adopted while considering applications for condonation of delay so as to advance substantial justice. The Court observed that refusal to condone delay may result in a meritorious matter being thrown out at the threshold and cause of justice being defeated.

**8.** In **N. Balakrishnan v. M. Krishnamurthy** reported in **(1998) 7 SCC 123**, the Supreme Court has observed that the length of delay is not material; what is material is the acceptability of the explanation. It was further held that unless mala fides or gross negligence are imputable to the party seeking condonation, the Court should lean in favour of deciding matters on merits.

**9.** The Supreme Court has also reiterated in several subsequent decisions that while “sufficient cause” must be established, the expression should receive a pragmatic and justice-oriented interpretation where refusal to condone delay would result in denial of a statutory remedy and where no serious prejudice is demonstrated by the opposite side.

**10.** In the present case, the delay is of 1 day. The explanation furnished by the applicant cannot be said to be lacking in bona fides. There is nothing on record to indicate that the delay was deliberate, intentional or actuated by any ulterior motive. Equally, no irreparable prejudice is shown to be caused to the respondent if the delay is condoned. On the contrary, refusal to condone the delay would result in the applicant being deprived of an opportunity to challenge the

impugned judgment on merits in exercise of the revisional jurisdiction of this Court.

**11.** Having regard to the nature of the proceedings, the explanation tendered by the applicant and the principles laid down by the Hon’ble Supreme Court, this Court is satisfied that sufficient cause has been made out for condonation of delay. Accordingly, the application is allowed.

**12.** The delay of 1 day in filing the Criminal Revision Application is condoned.

**13.** Rule is made absolute in the aforesaid term.

**(S. V. PINTO,J)**

ROHAN SONI

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ROHAN SONI(HC02356), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 22/10/2026 14:01:42