

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 3155 of
2026****In R/MISC. CIVIL APPLICATION/2124/2026****In R/SECOND APPEAL/47/2005****With****R/MISC. CIVIL APPLICATION NO. 2124 of 2026****In****R/SECOND APPEAL NO. 47 of 2005**

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THE GUJARAT SHEEP AND WOOL DEVELOPMENT CORPORATION LTD.

Versus

HIMATLAL TAPUBHAI SAPARA

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Appearance:

MR ANKIT Y BACHANI(5424) for the Applicant

MR NK MAJMUDAR for the Respondent

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CORAM: HONOURABLE MR. JUSTICE J. C. DOSHI**Date : 24/08/2026****IA ORDER IN DELAY CONDONATION APPLICATION**

Heard learned advocate Mr. Ankit Banchani for the applicant. Learned advocate Mr. NK Majmudar states at bar that he has instructions to appear for the respondent and he shall file Vakalatnama in due course. Registry to accept the same.

In an application u/s 5 of the Limitation Act, the applicant prayed to condone the delay of 185 days caused in filing the application for restoration of the captioned Second Appeal . Learned advocate Mr. Majmudar hotly contested the delay condonation application as well as restoration application mainly on the ground that the decree impugned in the Second Appeal has been executed and therefore, now

nothing remains in the Second Appeal. Thus, restoring the Second Appeal would be a futile exercise.

Having considered the averments made in the application as well as submission canvassed by the learned advocate Mr. Majmudar, this Court thought it fit to condone the delay, more particularly, when the applicant has explained the delay sufficiently. The second appeal was dismissed on the fault of learned advocate, who did not remain present in the matter and therefore, the applicant should be given one chance to put its case on merit.

In the result, present CA is allowed and delay of 185 days caused in filing the application for restoration is hereby condoned. Rule made absolute to the aforesaid extent.

The contention of learned advocate Mr. Majmudar for the respondent that the decree impugned in the Second Appeal has been satisfied is kept open to be decided during appeal proceedings.

IA ORDER IN RESTORATION APPLICATION

Considering the facts stated in the application, present Application is required to be allowed and the same is allowed and main matter is restored to its original file.

SHEKHAR P. BARVE

(J. C. DOSHI,J)