IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 5940 of 2025
In F/CROSS OBJECTION/33525/2025
In R/FIRST APPEAL/4066/2022

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DAKSHABEN PANKAJKUMAR AMIN & ANR.
Versus
ICICI LOMBARD GENERAL INSURANCE CO. LTD. & ORS.

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Appearance:
MR MOHSIN M HAKIM(5396) for the Applicant(s) No. 1,2

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

Date : 24/12/2025
ORAL ORDER

[1.0] This application is filed under Section 5 of the Limitation Act for condonation of delay of 1087 days caused in filing the cross-objection caused in First Appeal.

[2.0] I have heard the learned advocate for the appellant.

[3.0] It is submitted by the learned advocate for the applicant that the applicant could not file the cross-objection in 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 cross-objection.

[4.0] Considering the submissions made by the learned advocate for the applicant, the applicant has mentioned sufficient cause for condonation of delay. 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 cross-objection 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.** Even otherwise, First Appeal No.4066/2022 is admitted.

[6.0] In view of the above, the delay of 1087 days as explained in memo of the application is condoned. The application is accordingly allowed. However, it is made clear that the applicant shall not be entitled to claim interest for the aforesaid period of delay of 1087 days.

(HASMUKH D. SUTHAR, J.)

Ajay

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AJAY CHANDRAN MENON(HC00939), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 24/12/2025 14:15:27