

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NOS.6501-6523 OF 2018
(Arising out of S.L.P.(Civil)Nos.17045-17067 of 2018)

Hetal Chirag Patel and Ors. . . .Appellants

Vs.

State of Gujarat and Ors.Etc.Etc. . . .Respondents

O R D E R

Abhay Manohar Sapre, J.

1. Issue notice. Learned counsel for the respondents accepted the notice and made a statement that they do not wish to file any counter affidavit. With the consent of all the parties, the matter is heard finally.

2. Leave granted.

3. These appeals are filed against the common final judgment and order dated 29.06.2018 passed by the High Court of Gujarat at Ahmedabad in Civil Application No.3 of 2018 in F/LPA No.36 of 2018 in SCA No.11163 of 2012 & other allied matters.

4. By the impugned order, the Division Bench dismissed the appeals filed by the appellants on the ground of delay of 233 days in filing the appeals. In other words, the Division Bench dismissed the applications filed by the appellants under Section 5 of the Limitation Act for condonation of delay in filing the appeals holding *inter alia* that there was no sufficient cause made out by the appellants in filing the appeals which were delayed by 233 days. It is against this order, the appellants have felt aggrieved and filed these appeals by way of special leave before this Court.

5. Having heard learned senior counsel/learned counsel for the parties and on perusal of the record of the case, we are inclined to condone the delay in filing the appeals by the appellants before the Division Bench of the High Court.

6. In our opinion, having regard to the facts and circumstances of the case and further keeping in view of the fact that the appellants were not made parties

to the original writ petitions and became aggrieved by the order passed by the writ Court (Single Judge) in the writ petitions, a case for condonation of delay in filing the appeals was made out. It was, in our view, a sufficient cause for condonation of delay within the meaning of Section 5 of the Limitation Act. The High Court ought to have, in these circumstances, condoned the delay and granted permission to file the appeals to the appellants for being heard on merits.

7. In the light of the foregoing discussion, these appeals succeed and are hereby allowed. Impugned order is set aside. All the inter-court appeals, out of which these appeals arise, are restored to their respective files.

8. Let the Division bench now decide the appeals finally in accordance with law.

9. Let the appeals be listed for further orders preferably next week before the Division Bench.

10. Parties are at liberty to apply before the Division Bench for appropriate orders, pending appeals.

11. We, however, make it clear that we have not expressed any opinion on the merits of the controversy and confined only to the issue of condonation of delay in filing the intra-court appeals before the Division Bench of the High Court against the writ court (Single Judge)order.

.....J.
[ABHAY MANOHAR SAPRE]

.....J.
[UDAY UMESH LALIT]

New Delhi;
July 11, 2018.