

(2025) 11 GUJ CK 1898
In the Gujarat High Court

Case No : Civil Application (For Condonation Of Delay) No. 2 Of 2022 In Misc.
Civil Application (For Review) No. 1 Of 2022 In R/Special Civil
Application No. 13647 Of 2019, Misc. Civil Application (For Review)
No. 1 Of 2022

New India Assurance Co. Limited

APPELLANT

Vs

Himat Naran Maraj & Ors.

RESPONDENT

Date of Decision : 28-11-2025

Acts Referred:

Limitation Act, 1963 — Section 5
Motor Vehicles Act, 1988 — Section 166

Citation : (2025) 11 GUJ CK 1898

Hon'ble Judges : Gita Gopi, J

Bench : Single Bench

Advocate : KV Gadhia, Yogi K Gadhia Mitesh L Rangras

Final Decision : Allowed

Judgement

Gita Gopi, J

1. The application is under Section 5 of the Limitation Act, making a prayer to condone the delay of nineteen days in filing the review application arising out of Special Civil Application No.13674 of 2019. Learned Advocate Mr. Hemal Shah is for the original claimants and learned Advocate Mr. Mitesh L. Rangras is for the owner of the vehicle.

2. Learned Advocate Mr. Gadia submitted that after receiving copy of the judgment, the opinion of the company was sought for from the Divisional Office at Kachchh, Bhuj and the papers were sent to the Legal Cell, Ahmedabad and the opinion was referred back to the advocate. Mr. Gadhia submitted that the process had consumed time where there was no negligence from the side of the office to process the matter.

3. Learned Advocate Mr. Gadhia submitted that the matter is required to be

decided as a meritorious issue which requires consideration of this Court and, thus, urged to condone the delay. Advocate Mr. Hemal Shah for the original claimants submitted that the sufficient cause for the delay has not been explained and stated that if the present application is allowed then that would have an impact on the review application which will ultimately jeopardize the right of the original claimant, where the challenge has been given to the judgment and award under Section 166 of the Motor Vehicles Act, 1988.

4. The delay has been caused because of the procedural aspect and the delay of nineteen days has been sufficiently explained, taking into consideration the cause for the delay being procedural and administrative, this Court considers that sufficient explanation has been placed on record.

5. In the result, application is allowed. Nineteen days delay is condoned. The review application being Miscellaneous Civil Application (for review no.1 of 2022) in Special Civil Application NO.13647 of 2019 be placed on record.