ITEM NO.9 COURT NO.6 SECTION III-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No. 61292/2025

[Arising out of impugned final judgment and order dated 09-09-2024 in LPA No.22193/2024 passed by the High Court of Gujarat at Ahmedabad]

STATE OF GUJARAT & ANR. Petitioners

VERSUS

TUSHARBHAI HARJIBHAI GHELANI & ORS. Respondents

I.A. No.350962/2026-APPLICATION FOR ABATEMENT
I.A. No.350963/2026-APPLICATION FOR CONDONATION OF DELAY IN FILING THE APPLICATION FOR SETTING ASIDE THE ABATEMENT
I.A. No.350961/2026-APPLICATION FOR SUBSTITUTION
I.A. No.346533/2026-CONDONATION OF DELAY IN FILING
I.A. No.346535/2026-CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS

Date : 20-11-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE SHEEL NAGU

For Petitioner(s) :Mr. Tushar Mehta, Solicitor General
Ms. Manisha Lavkumar, Sr. Adv.
Ms. Deepanwita Priyanka- 2618, AOR
Mr. Aman Mehta, Adv.
Mr. Anuj Chaudhary, Adv.

For Respondent(s) :

UPON hearing the counsel the Court made the following
O R D E R

1. A Division Bench of the High Court of Gujarat, *vide* order dated 9th September, 2024, has declined the prayer of the petitioners - State of Gujarat and one of its officers - seeking condonation of 2028 days' delay in presenting a

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Date: 2026.11.21 12:14:03 IST
Reason:

special appeal[1], resulting in the same being dismissed as time-barred.

2. The order declining condonation of delay is the subject matter of challenge in this special leave petition.

3. While the special appeal presented before the High Court was barred by a huge delay, it is found that this special leave petition too is barred by 321 days delay; also, there is a refiling delay of 240 days.

4. When a high court declines condonation of delay, the minimum this Court would expect is that the special leave petition challenging such order be presented within the period of limitation prescribed for it so that the same can be examined on merits. The right of appeal, no doubt, is a substantive right; but, in a case of this nature, such right must be exercised within the prescribed period of limitation, or at least briefly thereafter, if reasons beyond the control of the party seeking condonation of delay have prevented its timely presentation and sufficient cause is shown for such condonation. A belated exercise of that right, without an acceptable explanation, would defeat the very purpose of the law of limitation.

5. Having regard to the decisions of this Court in ***Sheoraj Singh Vs. Union of India***[2], ***Shivamma Vs. Karnataka Housing Board***[3], and ***State of Odisha & Ors. Vs. Managing Committee of Namatara Girls High School***[4], we see no good reason to condone the delay in presentation of the special leave petition.

8. The special leave petition stands dismissed as time-barred.

9. Connected applications, too, stand dismissed.

[1] LPA No.22193/2024
[2] (2023) 10 SCC 531
[3] 2025 SCC OnLine SC 1969
[4] 2026 INSC 148

10. We hope and trust that, drawing guidance from this order, the petitioners would evolve a mechanism so that a proposal to challenge an order declining condonation of delay does not have to pass through several channels for approval and that approval granted by one senior/responsible officer would suffice to facilitate presentation of a special leave petition within time.

(RASHMI DHYANI PANT)
ASST. REGISTRAR-CUM-PS

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)