Gujarat High Court

State vs Hiraben on 16 June, 2010

Author: K.M.Thaker,&Nbsp

Gujarat High Court Case Information System

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CA/5486/1993   2/ 2   ORDER

IN
THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL
APPLICATION No. 5486 of 1993

In

CIVIL
APPLICATION No.2447 of 1993

===

STATE
OF GUJARAT - Petitioner(s)

Versus

HIRABEN
WD/O K. M. PATEL & 1 - Respondent(s)

===

Appearance
:
MS
JIRGA JHAVERI AGP for Petitioner(s) : 1,
None for Respondent(s) :
1,
NOTICE SERVED for Respondent(s) : 1.2.1, 1.2.2, 1.2.3, 1.2.4,
1.2.5,1.2.6 -
2.
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CORAM                          :
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HONOURABLE
                    MR.JUSTICE K.M.THAKER
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Date
: 16/06/2010
ORAL ORDER
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The cause list shows that the CA No.2447 of 1993 (in which present CA No.5486 of 1993 has been preferred) is already disposed of as rejected.

It deserves to be noted that the applicant of present application appear to have filed FA (Stamp) No.7180 of 1993. It is claimed that during the pendency of the appeal, the opponent No.1 expired. Hence, the applicant was required to file application impleading the heirs and legal representatives of the deceased opponent. The applicant did file the application, but after the expiry of period of limitation. Hence, the application seeking condonation of delay was required to be filed and it was filed. The said application seeking condonation of delay has been registered as CA No.5486 of 1993 i.e. present application.

Since 1993, this application has remained pending. In the meanwhile, CA No.2447 of 1993 in which present application has been preferred, has already been dismissed as per the remark in the today's cause list. Hence, this application does not survive and has become infructuous.

Even otherwise, from the cause title of the application, it appears that so far as the FA is concerned, the value for the purpose of jurisdiction is assessed at Rs.1010/-. Thus, considering the award amount challenged in the appeal, the appeal does not deserve to be entertained in view of smallness of the amount.

That apart, since the parent application being CA No.2447 of 1993 has been dismissed, present application does not survive. Hence, the application is dismissed as infructuous.

[K.M.Thaker, J.] kdc   Top