

ORIGINAL DECREE / AWARD
Order 20, Rule 6 & 7
BEFORE THE HON'BLE 7th ADDL. DISTRICT COURT
AT: ANJAR-KACHCHH.

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REGULAR CIVIL APPEAL No :-03/2020

Exh :-23/A

APPELLANTS(Original Plaintiffs):-

- 1/1. **Fatmaben Mohsinali Khoja**
Age-70, Occu- Household work
Resi- Moti Nagalpar Anjar
- 1/2. **Siraj Mohsinali Khoja**
Age-51, Occu- LIC Agent
Resi- Anjar
- 1/3. **Shahin Mohsinali Khoja**
w/o. Aliraja Hasanali Khoja
Age-49, Occu-Business
Resi- Khoja Faliya, Mandavi- Kutchch
- 1/4. **Sohel Mohsinali Khoja**
Age-37, Occu- Business
Resi- Moti Nagalpar, Tal.- Anjar-Kutchch
2. **Khoja Akbarali Suleman**
Age- 68,
3. **Khoja Ansarali Suleman**
Age- 65, Occu-Business
Resi- Nagalpur, Anjar- Kutchch

V/s.

RESPONDENTS [ORIGINAL DEFENDANTS] :

Legal heirs of Abda Noora Karsan

- 1/1. **Havabai Noora Karsan**
Age-71
- 1/2. **Hanif Noora Karsan**
Age-34
Both Resi.- Sinugra Kutchch
2. **Gani Noora Abda**
Age- 30 Resi- Sinugra- Kutchch
3. **Ramju Noora Gala**
Age- 48, Resi- Dabda Anjar-Kutchch

APPEAL FILED ON :- 21/09/2020

APPEAL REGISTERED ON:- 21/09/2020

(1) The plaintiff pleaded in his plaint that the suit property bearing (old) revenue survey No.291/1- new survey number 92/2 and 155 and 88/2 were owned by the plaintiffs as the ancestral property and the land bearing survey number 291/1 admeasuring area 4-07 guntha was purchased by

their grand father Hirji Vasram Khoja and the said land was promulgated in the year of 1960. It is further submitted by the plaintiff/appellant that after promulgation the original land of survey number 291/1 was allotted two survey numbers 99/2 and 155 paiki and 88/2 (the said land shall be mentioned as 'suit property' throughout this appeal). It was further submitted by the plaintiff/appellant that the defendant had no right, title or interest in the suit property but they were trying to take away possession of the suit property from the plaintiffs and were trying to dispossess them illegally, hence the plaintiff filed suit.

(2) Feeling aggrieved and dissatisfied from the judgment and decree passed by the Ld. Trial Court (Civil Court) in Regular Civil Suit no. 102/2004, the present appeal has been preferred by the original plaintiffs.

The Matter was placed before Hon'ble Ms B.G.Awasthi, 7th Additional District Judge at Anjar-Kutch in presence of Ld. Advocate H.C.Harsh for the Appellant and None for the Respondents and following order has been passed on Date.12.03.2024.

FINAL ORDER

- The present Regular Civil Appeal no. 3/2020 is hereby **rejected**.
- Impugned Judgment dated 24/02/2020 passed by the Court of 2nd Additional Civil Judge, Anjar in Regular Civil Suit No. RCS-102/2004 is hereby **confirmed**.
- Copy of this judgment be sent to Ld.Trial Court with R & P of original suit.
- Parties shall have to bear their own cost, if any.

DATE-12/03/2024

TABLE OF COSTS

Applicant			Opponents		
	Applicant	Rs. Ps.		Opponent	Rs. Ps.
1	Stamps of Appeal	100/-	1	Stamp of Vakalatnama	00/-
2	Stamp of V.P.	03/-	2	Pleader's Fee	00/-
3	Do for Exhibits	--	3	Service of Process	---
4	Pleaders Fees	100/-			
5	Service of Process	5/-			
	Total Rs.	208/-		Total Rs.	00/-

Given under my, hand and the seal of court this day of 12th March, 2024.
Examined and found to be in order.

(B.K.Vaghela)
Registrar
Additional District Court,
Anjar-Kachchh

(K.P.Solanki)
Assistant,
Additional District
Court,
Anjar-Kachchh.

(B.G.Awasthi)
7th Additional District
Judge, Anjar-Kachchh.

Advocate for the Applicant

Advocate for the Opponent

[The parties to this appeal are hereby given notice that the documents produced by them if not taken back by them after the period of appeal will be liable to be destroyed.]