

ORIGINAL DECREES
(Order.20, Rule 6-7)
(Form No.1, Schedule-1)

ORIGINAL DECREE

IN THE COURT OF PRINCIPAL CIVIL JUDGE AT ANKLAV

Regular Civil Suit No. 24/2015

(Old Civil Suit No. : RCS 187/2013)

EXHIBIT: -117

Plaintiff :- 1.LRs of Late Somabhai Khodabhai Makwana
1/1.Rameshbhai Somabhai Makwana
Age: Major, Occupation: Farmer
1/2. Sitaben Somabhai Makwana
Age: Major, Occupation: Farmer
Both above resident of: Navakhal, Taluka: Anklav,
District: Anand

VERSUS

Defendants :- 1.Dipikaben w/o Gajendrasinh Pratapsinh Parmar
Age: Major, Occupation: Farmer
2.Hemlataben w/o Narendrasinh Pratapsinh Parmar
Age: Major, Occupation: Farmer
Both above resident of:Moto Bhag, Sherkhi,
Taluka: Vadodara, District: Vadodara

Date of filing :- 05th OCTOBER 2013

Date of Registration:- 05th OCTOBER 2013

SUIT FOR DECLARATION

The short facts of the present petition are as under:

1.The facts of the present suit which are narrated in a succinct manner in the plaint of the plaintiffs are as follows:

1.1The plaintiffs vide exhibit 1 submit that survey no. 265/2 (admeasuringarea0-39-46Hec.RA),surveyno. 265/3(admeasuring area 0-23-27 Hec.RA) and both survey numbers come under

block no.30 and survey no. 2274/4 (admeasuring area 0-38-45 Hec.RA)block no.31 situated at Village:Navakhal, Taluka: Ankla, District: Anand are ancestral properties of the plaintiffs. They submit that they cultivate the suit properties and use well water of Jenabhai Manibhai Patel and they reside at the suit properties and therefore, they submit that they are in possession of the suit properties.

1.2 They submit that one Mr. Gajendrasinh Pratapsinh Parmar who is related to the defendants approached the plaintiff Late Somabhai Khodabhai Makwana and proposed to purchase survey no. 274/4 only for the consideration of Rs. 42,00,000/- and he lured Somabhai Khodabhai to execute a registered agreement to sell so that he could sell survey no. 274/4 to some person on the basis of the registered agreement to sale. They submit that Gajendrasinh Pratapsinh promised to pay Rs. 42,00,000/- and also promised to provide them 4 Bighas land at some other nearby place @ Rs. 10,00,000/- per Bigha. They submit that it was said that the consideration amount will be given later and not at the time of execution of registered agreement to sell. They submit that Somabhai Khodabhai Makwana went to the office of registrar on request of the husband of the defendant no.1 for the purpose of executing registered agreement to sell of survey no. 274/4. They submit that signature of Somabhai Khodabhai Makwana were obtained upon many papers and such papers were not given for perusal to Somabhai Khodabhai Makwana.

1.3 They submit that the plaintiffs came to know about the sale deed when a

notice under section 135 D of the Gujarat Land Revenue Code was served to the plaintiffs about the mutation entry no. 6718 of dated 20/09/2012 which was made in the revenue records regarding the sale deed of the suit properties. They submit that they filed objections before the revenue authorities against such entry but the authorities rejected the objections of the plaintiffs and certified the entries made in favor of the defendants on 28/02/2013 and thereafter, the defendants have been criminally intimidating the plaintiffs whereby the defendants have been trying to get the possession forcefully from the plaintiffs.

1.4 They submit that when they checked the revenue records then they came to know that they have been subjected to cheating by the defendants and the defendants have fraudulently got executed a sale deed with respect to all the suit properties on 16/08/2010 vide entry no. 2576/2010 in the guise of executing an agreement to sell for survey no. 274/4. They submit that they have not received any amount of consideration from the defendants and they have never sold the suit properties to the defendants and presently the plaintiffs are in legal possession of the suit properties. They submit that the defendants have an ill intention to usurp the property of the plaintiffs. They submit that the defendants are trying to dispossess the plaintiffs unlawfully and also, the defendants have criminally intimidated the plaintiff of dire consequences. They submit that the

defendants have no right, title and interest with respect to the suit property. The plaintiffs submit that such unlawful acts of the defendants made the plaintiffs to file the present suit and hence, the plaintiffs have filed present suit seeking following reliefs against the defendants:

- a) To order the defendants that the defendants have no right to transfer the suit properties to any person, institution etc and the defendant must not to do any act in order to damage the rights of the plaintiffs.
- b) To cancel the sale deed no. 2576/2010 dated 16/08/2010.
- c) To permanently restrain the defendants that the defendants shall not create any encumbrances over the suit properties or sell, mortgage, gift or transfer the suit properties in any manner whatsoever which may be detrimental to the plaintiffs' rights with respect to the suit properties.
- d) Any other relief which the Hon'ble Court deems fit.

This suit is coming for the final disposal before the Hon'ble Principal Civil Judge, at Anklav Mr. Abhinav Mudgal in presence of plaintiff's Ld. Advocate Mr.S.B.VYAS and Respondent of Ld. Advocate Mr.B.G.PAREKH for it is hereby ordered and decreed vide Judgment at Ex.-115

- :: O R D E R :: -

1. The suit of the plaintiffs, Rameshbhai Somabhai Makwana and Sitaben Somabhai Makwana (LRs of Somabhai Khodabhai Makwana) against the defendants, Dipikaben Gajendrasinh

Parmar and Hemlataben Narendrasinh Parmar, is hereby allowed.

2.The registered sale deed no. 2576/2010 of dated 16/08/2010 is hereby declared null and void and therefore, it is ordered that the registered sale deed no. 2576/2010 of dated 16/08/2010 is liable to be cancelled.

3.The defendants, their servant, agents, power of attorney holders etc. are directed not to transfer the suit property in any manner, whatsoever, to any person on the basis of the registered sale deed no. 2576/2010 of dated 16/08/2010.

4.The defendants, their servant, agents, power of attorney holders etc. are hereby restrained from creating any encumbrances over the suit property, in any manner whatsoever, on the basis of the registered sale deed no. 2576/2010 of dated 16/08/2010.

5.A copy of this order shall be sent to the office of Sub-Registrar, Borsad and the concerned officer shall make an entry, for compliance of this order, in the relevant register about the cancellation of the registered sale deed no. 2576/2010 of dated 16/08/2010.

6.The defendants shall pay the costs of the present suit.

Cost of Suit

Sr. No.	Incurred to the plaintiff	Rs.	Paisa	Sr. No.	Incurred to the Defendants	Rs.	Paisa
1	Stamp for Plaintiff	5300	00	1	Stamp for plaint or counter claim	00	00
2	Stamp for power	02	00	2	Stamp for power	02	00
3	Do. for exhibits	00	00	3	Do. for exhibits	00	00
4	Subsistence for witness	00	00	4	Subsistence for witness	00	00
5	Pleader Fee	100	00	5	Pleader Fee Pleader Fee on counter claim	100	00
6	Service of Process	4	00	6	Service of Process	4	00
7	Commission Fee	1000	00	7	Commission Fee	00	00
8	Conversion Fee	00	00	8	Conversion Fee	00	00
9	Copying Fee	00	00	9	Copying Fee	00	00
10	Paid for adjournment	00	00	10	Paid for adjournment	00	00
11	Stamp on application for Legal Heirs brought on records.	00	00			00	00
	TOTAL	6406	00		TOTAL	106	00
	NOT GIVEN COST				NOT GIVEN COST		
1	On Complaint	00	00	1	On Complaint	00	00
2	Pleader Fee	00	00	2	Pleader Fee	00	00
3	On process	00	00	3	On process	00	00
4	Do for exhibits	00	00	4	Do for exhibits	00	00
	Dues	00	00		Dues	00	00
	TOTAL	6406	00		TOTAL	106	00

Given under my hand and the seal of the Court this 28th day of DECEMBER 2023

Prepaid By

Checked By

Assistant

Superintendent

Principal Civil Judge
Anklav