

DECREE
NO.9
(O.XLI, r35)
IN THE COURT OF 3rd ADDITIONAL DISTRICT JUDGE,
JAMNAGAR

EX-19
Reg. Civil Appeal NO. 11 OF 2019

From the decree of the Court of 6th Senior Civil Judge, Jamnagar
dated the 07th day of January, 2026
Memorandum of Appelal

<u>Regular Civil Appeal No. : 11/2019</u>		
<i>Appellant (Original Plaintiff)</i>		VIKRAMSINH RATANSINH VALA : POWER OF ATTORNEY HOLDER OF <u>KUNVARSIKH RANJITSINH VALA</u> Age: 62 Years, Occupation : Retired, <u>Residing at :-</u> Motor House, Near Pir Dada, Ketan Co-Op. Housing Society Ltd. Plot No. 38, Vasundhara, Jamnagar-8
<u>Versus</u>		
<i>Respondents (Original Defendants)</i>	(1)	PARSOTTAMBHAI JERAMBHAI PATEL (PARSANA) Age: Adult, Occupation : Business, <u>Residing At:-</u> Vraj, Behind Jolly Bunglow, 64-Digvijay Plot, Jamnagar
	(2)	2A. GAYATRIBEN BHAGVANJIBHAI SHAH 2B. AVANTIKABEN BHAGVANJIBHAI SHAH 2C. BINABEN BHAGVANJIBHAI SHAH Age: Adult, Occupation : House Hold, <u>Residing At:-</u> Mahakali Krupa, Ketan Co-Op. Housing Society Ltd. Plot No. 40, Motor House, Near Pirdada, Jamnagar-8
	(3)	PARESHKUMAR HARILAL MEHTA Age: Adult, Occupation : Retired, Pramukh Shri – Ketan Co.O.Ha.So.Li. <u>Residing At:-</u> 2/12, Lakhota Mig Colony, Sumer Club Road, Jamnagar

APPEARANCE :-

<i>Ld. Advocate for the Appellant</i>	Mr. D. S. Jadeja
<i>Ld. Advocate for the Respondent No.1</i>	Mr. P. L. Popat
<i>Ld. Advocate for the Respondent No. 2 and 3</i>	None

The Appellants VIKRAMSINH RATANSINH VALA has appeal to The 3rd Additional District Court, Jamnagar from the decree of the Court of the 6th Additional Senior Civil Judge, Jamnagar dated the 07th day of January, 2019 in Original Regular Civil Suit No. 227 of 2014 for the following reasons, namely :-

[1] The Appellant is the “Original Plaintiff” and the Respondents are the ‘Original Defendants’’, in Regular Civil Suit No. 227/2014 and they will be here-in-after referred by their original status as ‘Plaintiff’ and ‘Defendants’, for the sake of brevity.

[2] The Original Plaintiff had filed Regular Civil Suit No. 227/2014 before the Hon’ble 6th Additional Senior Civil Court, Jamnagar, wherein the Original Defendant No. 1 had filed an Application under Order-VII, Rule-11 of C.P.C. at Exh.-41 and on conclusion of the trial and after hearing the Ld. Advocates for parties, the Ld. 6th Additional Senior Civil Judge, Jamnagar, was pleased to dismiss the Regular Civil Suit No. 227/2014 under Order-VII, Rule-11 of C.P.C. by passing an Order passed below Exh.-41 on dated 07/01/2019. Being aggrieved and dissatisfied by the said Order dated 07/01/2019 passed in Regular Civil Suit No.

227/2014, the Plaintiff has preferred this appeal under Section 96 read with Order-XLI of I-Schedule of Civil Procedure Code, 1908.

[3] The appeal was registered and process were issued. On service of the process, the Respondent No. 1 / Original Defendant No. 1 had appeared and objected the appeal and submitted that the Ld. Trial Judge has not committed any illegality or error and therefore, it does not require any interference and requested to confirm the Order passed by the Hon'ble 6th Additional Senior Civil Court, Jamnagar and to dismiss the appeal with costs.

[4] I have heard, the Ld. Advocate Mr. P.L. Popat for the Respondent No. 1, at great length. The Respondent No. 1 had filed application at Exh.-41 under Order-VII, Rule-11 of C.P.C. and therefore he is the only effected party in this appeal to be heard, on behalf of the Respondents. I have also considered the impugned Order dated 07/01/2019 passed below Exh.-41 in Regular Civil Suit No. 227/2014 by the Ld. 6th Additional Senior Civil Judge, Jamnagar. The Appellant and his Ld. Advocate remain absent and the Appellant had earlier filed applications seeking time to replace the Ld. Advocate, but neither Appellant personally nor any of his Ld. Advocate / Representative remained present to argue and therefore, the appeal is required to be decided on the basis of the grounds stated in the appeal memo and on its merit. The Respondent

No. 1 / Original Defendant No. 1 had filed an Application at Exh.-41 under Order-VII, Rule-11 of C.P.C. and the same was allowed and the Respondent No. 2 and 3 are not affected party because the Application at Exh.-41 was filed by the Respondent No. 1 and therefore, the Appeal can be decided even in their absence.

[5] arrived at Point No. 1 and settled principle of law, the Ld. 6th Additional Senior Civil Judge, Jamnagar has not committed any error by passing Order dated 07/01/2019 in Regular Civil Suit No. 227/2014, whereby the Suit was rejected under Order-VII, Rule-11 of C.P.C. and it does not call for any interference by this Court. Thus, the present Appeal deserves to be dismissed. Therefore, I Answer **POINT No. 2** in **NEGATIVE** and answer **POINT No. 3** by passing the following order.

:- FINAL ORDER :-

- **The appeal is Dismissed.**
- **The impugned Order dated 07/01/2019 passed below Exh.-41 under Order-VII, Rule-11 of C.P.C. in Regular Civil Suit No.**

227/2014 by the Ld. 6th Additional Senior Civil Judge, Jamnagar, is hereby, confirmed.

➤ The Appellant / Original Plaintiff shall bear his own costs as well as the Costs of the Respondents / Original Defendants.

Particulars of Costs

Petitioner	Rs.	Opponents	No.1. Rs.
Stamp for Appeal Memo to be recover from appellant	1800=00	Stamp for power	3=00
Stamp for Vakalat	03=00	Stamp for petition	0=00
Stamp On copies of lower Court decree and judgement including copying fee.	50=00	Service of process	0=00
Stamp on petitions	00=00	Pleader's fee	300=00
Process fees	00=00		
Fee for preparation of process	0=00		
Pleader's fee	300=00		
TOTAL	2153=00	TOTAL	303=00

Given under my hand and the seal of the Court, this 6TH day of July, 2026.

Prepared by Checked by

Supt.

Supt.

3rd Additional District Judge,
Jamnagar