

GJSK030016242017



::ORIGINAL DECREE::

IN THE COURT OF PRINCIPAL SENIOR CIVIL JUDGE PRANTIJ

SPCS NO. 37 OF 2017

Exh.-

- (1) Patel Umiyaben W/o. Babubhai Venabhai
Aged about : 65 years, Occupation : Household,
 - (2) Patel Jigneshkumar Babubhai
Aged about : 38 years, Occupation : Lawyer,
Both are resi. of : Rampura(Amodara), Ta.: Prantij,
Dist.: Sabarkantha.
 - (3) Patel Shitalben Babubhai
Aged about : 39 years, Occupation : Household,
C/o. Dharmendrakumar Navnitbhai Shamaldas Patel
Resi. of : Punsari, Ta.: Talod, Dist.: Sabarkantha.
-Plaintiffs

VERSUS

- (1) Patel Babubhai Venabhai
Aged about : 67 years, Occupation : Labour,
Resi. of : Rampura(Amodara), Ta.: Prantij,
Dist.: Sabarkantha.
- (2) Suthar Vasantbhai Nathabhai
Aged about : 65 years, Occupation : Agriculture,
Resi. of : Varthu, Ta.: Modasa, Dist.: Arvalli.
- (3) Patel Bharatbhai Bhikhabhai
Aged about : 62 years, Occupation : Agriculture,

Resi. of : Gadhoda, Ta.: Himmatnagar,
Dist.: Sabarkantha.

(4) Patel Mathurbhai Punjabhai

Aged about : 64 years,

(5) Parmar Vishnuji Shankarji

Aged about : 54 years, Occupation : Agriculture,

Resi. of : Rampura(Amodara), Ta.: Prantij,

Dist.: Sabarkantha.

(6) Rabari Alpeshbhai Jayrambhai

Aged about adult, Occupation : Broker,

Resi. of : Mauchha, Ta.: Prantij,

Dist.: Sabarkantha.

(7) Patel Bharatbhai Mathurbhai

Aged about : 43 years,

Resi. of : Rampura(Amodara), Ta.: Prantij,

Dist.: Sabarkantha.

. Defendants

Appearance:-

Learned advocate Mr. B. M. Shukla for the plaintiffs.

Learned advocate Mr. A. K. Jetavat for defendant No.1.

Learned advocate Mr. P. J. Soni for defendant Nos. 2 to 7.

The Application filled on 07th of April, 2015.

The Application Registered on 07th of April, 2015.

The short facts of the present suit are as under:

That the plaintiff No.1 is the wife of the defendant No.1 and the plaintiff Nos.2 & 3 are children of defendant No.1. The agricultural lands of Amodara vilalge of Prantij taluka were inherited by defendant No.1 as ancestral property. Regarding this, entry No.2071 has been mutated in the Village Form No.6 in the name of defendant No.1's father - Venabhai Devkarbhai. After the death of Venabhai Devkaranbhai, the agricultural lands were registered in the name of the defendant No.1 as an ancestral

property through entry No.2132 on 10/12/77 hence the agricultural lands were acquired by the defendant No.1 as an ancestral property and the plaintiffs were the legal direct heirs of the defendant No.1 and had the right of inheritance. The land of Amodara village bearing Account No.650, Survey No. 360 paiki 2, Account No.668, Survey No.374 were acquired by the defendant No.1 by inheritance (hereinafter referred as disputed properties). And since these agricultural lands were ancestral property of the plaintiffs, the inheritance right was vested in them. And therefore, since the plaintiffs had inheritance rights in these agricultural lands, the defendant No.1 was not legally entitled to sell or transfer the said property in any other way without the consent of the plaintiffs. Also, name of the defendant No.1 was entered in the record only as the administrator of the said lands of the joint family and thus, the plaintiffs' legal implied inheritance rights in the said agricultural lands were and are being upheld.

Taking into account the sale documents mentioned in para-3 of the plaint and the notes of alteration in the revenue records, the market value of the property bearing Survey No.374 is shown as Rs.4,51,608/- while the consideration amount is shown as Rs.2,00,000/-, similarly the market value of Survey No.360 paiki 2 is shown as Rs.9,46,980/- while the consideration amount is shown as Rs.2,00,000/- hence it is also clear from this that defendant Nos.2 & 3 have betrayed and cheated defendant No.1 by showing a consideration amount less than the market value and has fraudulently obtained these sale deeds. Further, the consideration amount of Rs.2,00,000/- as mentioned in the registered sale deed has not been paid to the defendant No.1. No receipt has been taken from the

defendant No.1 regarding the payment of consideration. In view of that, it is clearly proved by the prima facie evidence that the said sale deeds were executed by the defendant Nos. 2, 3 out of betrayal and fraud with the defendant No.1.

The plaintiffs have legal right, interest and share in the disputed property. The plaintiffs have right of inheritance, interest and share in the disputed property. The plaintiffs have not given any power of attorney to the defendant No.1 or any other person to transfer the disputed property nor have they in any way waived the hereditary rights existing over the disputed property and as such the plaintiff has legal right over the disputed property and as such direct possession and enjoyment was and is with the plaintiffs. And since these agricultural lands were ancestral property of the plaintiffs, the inheritance right was vested in them. And therefore, since the plaintiffs had inheritance rights in these agricultural lands, the defendant No.1 was not legally entitled to sell or transfer the said property in any other way without the consent of the plaintiffs. Also, name of the defendant No.1 was entered in the record only as the administrator of the said lands of the joint family and thus, the plaintiffs' legal implied inheritance rights in the said agricultural lands were and are being upheld.

Defendants Nos.2 & 3 and defendant Nos.5 & 6 conspired with each other and formed a pre-planned conspiracy. That the defendant Nos.2 & 3 deceived and conspired with the defendant No.1 by telling that the fact of borrowing money on the disputed land and also by telling them to enter into a mortgage agreement as security against the said money. They took it before Sub-Registrar's Office, Prantij and read out the

mortgage agreement, hiding that agreement. They fraudulently got the signed in the registered sale deed prepared for the disputed property. That the defendant Nos.2 & 3 had fraudulently obtained the sale deed. That entry Nos.4104 & 4105 have been mutated in the revenue record. Thereafter, the defendant No.1, having come to know about this, filed an appeal before the Deputy Collector Shri Prantij against the said sale deeds. And in that appeal also, instead of executing a mortgage deed of the disputed lands, the defendant Nos.2 & 3 had executed registered sale deed with the defendant No.1 by cheating. Also, the defendant Nos.2 & 3 had fraudulently executed the said sale deeds with the defendant No.1, the defendant No.1 had submitted a written complaint to the Chief Minister, Home Minister, Police Commissioner as well as the Collector and his subordinate officers regarding the fact that this sale deeds were executed by cheating. Regarding which complaint, the Chief Minister's Officer had instructed the Collector to take appropriate action. Also, the Collector had issued a notice to the defendant No.1 in this regard. But since the said sale deeds have been executed, if there is any dispute regarding this sale deeds, the Civil Court has the powers to cancel these sale deeds. The Collector has informed the defendant No.1 through his letter to seek relief from the Civil Court. Hence, the plaintiffs have filed the present suit.

-: O R D E R :-

This suit is hereby rejected.

Parties bear their own costs.

:: BILL OF COST ::

SPCS No- 37/2017

Applicant's Side			Opponent's Side		
		Rs. / Ps.			Rs. / Ps.
1	Stamp on Petition.	25250/-	1	Stamp on counter Petition	
2	Stamp on Vakalatnama	2/-	2	Stamp on Vakalatnama	2/-
3	Stamp on Production paper		3	Stamp on Production paper	
4	Payment of Witnesses		4	Payment of Witnesses	
5	Pleader Fee as on	1480/-	5	Pleader Fee as on	1480/-
6	Process Fee	88/-	6	Process Fee	
7	Commissioner Fee	00/-	7	Commissioner Fee	
8	Translator Fee		8	Translator Fee	
9	Duplication Fee		9	Duplication Fee	
10	Amount on cost- Legal		10	Amount on cost	
11	Stamp on added the Heirs				
	Total	26820/-		Total	1482/-
	Recoverable amount				
	Stamp on petition			Amount of Cross Suit	
	Pleader / Advocate Fee			Pleader / Advocate Fee	
	Process Fee			Process Fee	
	Stamp on Production Paper			Stamp on Production Paper	
	Less			Less	

Pronounced in Open Court today on 20th day of August, 2025.

(**Bhargavsinh Ravsinh Solanki**)
Principal Senior Civil Judge,
Prantij

Drawn by :

(Assistant)

Compared by :

(Supritendent)

(Parties are warned to take the produced documents by them after the decision of appeal. If failed they will be destroyed.)