

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL REVISION APPLICATION NO. 126 of 2025**

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SHANTABEN ABHESINGH PATANWADIA & ORS.

Versus

SURAJBEN KHODABHAI PATANWADIA & ORS.

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Appearance:

MR. VIJAY N TILOKANI(6890) for the Applicant(s) No. 1

GOVERNMENT PLEADER for the Opponent(s) No. 20,21,24

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CORAM:**HONOURABLE MR.JUSTICE SANJEEV J.THAKER**

Date : 28/02/2025

ORAL ORDER

The present Revision Application has been filed challenging the order passed below Exhibit-85 by 9th Senior Civil Judge, Vaodara in Special Civil Suit No.436 of 2013 whereby the application filed by the defendant No.10 under the provisions of Order VII Rule 11(a)(d) have been rejected.

Learned advocate Mr. Tilokani has drawn attention of this Court to the plaint of Special Civil Suit No.436 of 2013 wherein the plaintiffs have claimed right over the property and have challenged the sale deed dated 01.06.1992 and 26.12.1996, and therefore, it is the case of plaintiff that the suit has been filed by the plaintiff is barred by law, more particularly, on the point of limitation. Learned advocate for the plaintiff has also argued that earlier also the suit was filed being Regular

Civil Suit No.780 of 1996 between the father of the present petitioner and the plaintiffs of Civil Suit No.436 of 2013 and all the said facts have been suppressed by the plaintiff by filing the present suit, moreover it is also the case of the petitioner that the plaintiffs were very much aware of the execution of the sale deed, and therefore, the suit is barred by law and the trial Court could not have rejected the application under Order VII Rule 11. Moreover, it has also been argued that no reasons have been given for rejecting the application under Order VII Rule 11.

Having heard learned advocate for the petitioner and after going through the plaint and the documents annexed with the plaint and the order that has been passed below Exhibit-85, the matter requires consideration.

In view of the said fact, issue **Notice** returnable on **21st March, 2025**. In the meantime, relief in terms of para-21(B) is granted till the next date.

(SANJEEV J.THAKER,J)

Manoj Kumar Rai

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANOJKUMAR RAI(HC01072), PRIVATE SECRETARY, at High Court of Gujarat on 01/03/2025 09:45:56