

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 27 of 2025**

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MAGANBHAI GOPALBHAI SINCE DECD THROUGH LH & ORS.

Versus

MOHANJI VAJAJI BHAGVANJI VAJAJI & ORS.

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Appearance:

MR DHAVAL VYAS, SR ADVOCATE with

MS POONAM M MAHETA(11265) for the Applicant(s) No. 1,1.1,1.2,1.3,1.4

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CORAM: HONOURABLE MR. JUSTICE SANJEEV J. THAKER

Date : 24/01/2025

ORAL ORDER

1. The present Civil Revision Application has been filed challenging the order dated 24.10.2024 passed below Exh.89 by learned 6th Additional Senior Civil Judge, Gandhinagar in Regular Civil Suit No.333 of 2015 whereby the said application filed by defendant nos.1.1 and 1.3 to 1.5 has been rejected under Order VII Rule 11 of the Code of Civil Procedure, 1908 has been rejected.

2.1 It has been argued by learned senior advocate Mr.Vyas that the Regular Civil Suit No.333 of 2015 has been filed challenging the registered will dated 17.06.1986 whereby the father of the plaintiff have bequeathed the property in favour of defendant no.1 and, therefore, from the plain reading of the plaint it appears that the suit is barred by Law.

2.2 Learned advocate for the applicant has also drawn attention of this Court to the document produced at Exh.3/11 which is deed of Kabulat wherein also the plaintiff nos.1 to 5 are the signatories

of the said document dated 15.07.2008 wherein they confirmed about the execution of Will dated 17.06.1986 by their father. Moreover, it has been also argued that earlier also Civil Suit No.77 of 1997 was filed by the plaintiff and in the said suit also plaintiff did not challenge the said Will and ultimately the said suit has been dismissed for default.

3. Having heard learned senior advocate for the applicant and having gone through the documents and considering the fact that though the Will under challenge is of the year 1986 and in the year 2008 the plaintiffs were about the said fact, the present matter requires consideration. Hence, issue **Notice** to the respondents returnable on 28.02.2025. In the meantime, by way of interim relief as prayed for in Para:8(C) the proceedings of Regular Civil Suit No.333 of 2015 are stayed. Direct service is permitted.

(SANJEEV J.THAKER,J)

MISHRA AMIT V.