

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7891 of 2021**

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VASANTBHAI NAVLABHAI PATEL

Versus

NAYNABEN BALUBHAI PATEL

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Appearance:

MR ADIL R MIRZA(2488) for the Petitioner(s) No. 1,2

for the Respondent(s) No. 1,10,2,3,4,5,6,7,8,9

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CORAM:**HONOURABLE MS. JUSTICE SANGEETA K. VISHEN****Date : 18/06/2021****ORAL ORDER**

1. Mr.Adil R. Mirza, learned advocate appearing for the petitioners submitted that as can be seen from the facts recorded in paragraph 1 of the order dated 11.6.2018 of the Mamlatdar, Pardi, the respondents were restrained from using the road from 21.10.2016. However, they were allowed, but, again on 17.11.2016, it is alleged that the threats were extended to close the road. While inviting the attention to the application of the respondents to the Mamlatdar, it is submitted that the same has been inwardsed on 7.7.2017, which would be after six months from the date of cause of action. Therefore, the present application was barred by the provisions of sub-Section (3) of Section 5 of the Mamlatdars' Courts Act, 1906, which provides a suit to be filed within six months. Sub-Section (3) of Section 5 of the Mamlatdars' Courts Act, 1906 provides that no suit shall be entertained by the Mamlatdar, unless it is brought within six months from the date on which the cause of action arose. In the present case, the cause of action arose to the respondents on 17.11.2016,

whereas, the application has been filed on 7.7.2017, and therefore, the Mamlatdar, Pardi could not have entertained the same.

2. Having regard to the submissions made by learned advocate for the petitioners, issue **Notice**, returnable on **2.7.2021**. In the meantime, the parties are directed to maintain status quo, as of today, with respect to the Block No.1026/1.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)