

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4415 of 2026**

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MANJULABEN VASANTRAI BHATT & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR HARSHIL C DATTANI(6241) for the Petitioner(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 30/03/2026

ORAL ORDER

1. Heard learned advocate Mr. Digant Kakkad for learned advocate Mr. Harshil Dattani for the petitioners.

2. Learned advocate for the petitioners submits that, in the appellate proceedings, an application at Exhibit – 18 came to be filed seeking impleadment of a subsequent transferee as well as amendment in the memo of appeal. The learned District Court granted the application to the extent of impleadment of parties, however, no order was passed permitting amendment in the memo of appeal. Thereafter, an application at Exhibit – 31 came to be filed seeking amendment in the memo of appeal. The said application came to be disposed of by the learned District Court in view of earlier order passed below Exhibit – 18. Despite no order

of amendment in memo of appeal, the respondents filed amended appeal memo. The present petitioners filed an application at Exhibit – 33 seeking deletion of the amendment, except to the extent of impleadment of the subsequent transferee of the suit land as respondent. The said application came to be rejected on the ground that the amendment had already been carried out by the original appellant.

3. It appears from the impugned order as well as the material placed on record that the application was filed for impleadment of the subsequent transferee in the appeal proceedings as well as amendment in the memo of appeal. The learned District Court allowed the application only to the extent of impleadment of parties and did not grant permission for carrying out any amendment in the memo of appeal. Despite absence of any specific order permitting amendment, the appellant carried out amendments in the memo of appeal. When the application at Exhibit – 33 came to be filed by the respondents seeking deletion of such amendments from the memo of appeal, the learned Court below rejected the same on the ground that the amendments had already been effected. In my view, in absence of any specific order permitting

amendment of the memo of appeal would tantamount to abuse of the process of law. The learned District Court should have taken up the issue on a serious note. As no litigant or learned advocates are permitted to add / alter any pleading without leave of the Court. The appellant is not supposed to carry out any amendment which is not permitted by the learned Court below. If such amendment is carried out without any order of the Court, such amendment is required to be deleted / removed from the proceedings. Since the issue requires consideration, Rule.

4. In the meantime, the operation and implementation of the order dated 04.12.2025 passed below Exhibit – 33 in Regular Civil Appeal No. 124 of 2021 is hereby stayed. Even if any amendment is carried out in memo of appeal, except impleadment of parties, the same shall not be considered by the learned District Court.

MUSKAN

(D. M. DESAI,J)