

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SECOND APPEAL NO. 46 of 2023**

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LHR OF DECD GOVINDBHAI GOPALBHAI PATEL  
Versus  
LHR OF DECD BALUBHAI BHAGABHAI PATEL

=====

**Appearance:**

MR UMANG H OZA(2440) for the Appellant(s) No.

1,1.1,1.2,1.3,1.4,1.5,1.6,1.7

for the Respondent(s) No.

1,1.1,1.2,1.2.1,1.2.2,1.2.3,1.2.4,1.2.5,1.2.6,1.3,1.4,1.5,1.6,2,3,3.1,3.1.1,3.1.2,  
3.1.3,3.1.4,3.1.5,3.1.6,3.2,3.3,3.4,3.5

PARTY IN PERSON(5000) for the Respondent(s) No. 1.7

**CORAM:HONOURABLE MR. JUSTICE RAJENDRA M. SAREEN****Date : 15/03/2023****ORAL ORDER**

Party-in-person – respondent No.1.7, who has filed Caveat, is not present when the matter is called out.

Heard Mr.B.S. Patel, learned advocate appearing for Mr.Umang Oza, learned advocate for the applicant at length.

Mr.B.S. Patel, learned advocate has submitted that the learned Principal Senior Civil Judge, Bardoli has decreed the suit in favour of the respondents and preliminary decree has been passed accordingly. And in appeal, the appellate court has modified the decree passed by the Civil Court. He has submitted that preliminary decree is already drawn and if the final decree is drawn during the service of the notice and pendency of this appeal, present appeal would become infructuous and there would be multiplicity of proceedings.

Registry to issue **NOTICE** upon all the respondents, making it returnable on 12/4/2023.

Parties are directed to maintain status-quo as on today to be maintained. The trial court not to proceed further with the final decree till next date.

R.H. PARMAR

**(RAJENDRA M. SAREEN,J)**