

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/APPEAL FROM ORDER NO. 15 of 2026

With

**CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/APPEAL FROM ORDER NO. 15 of 2026**

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DHARAM SINGH JASUJI VAGHELA & ORS.

Versus

LEGAL HEIRS OF GAFULJI BHALAJI THAKOR & ORS.

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Appearance:

MR DHAVAL D VYAS SENIOR COUNSEL with
DHRUVIK K PATEL(7769) for the Appellant(s) No. 1,2,3

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CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 24/02/2026

ORAL ORDER

1. Heard learned Senior Advocate Mr. Dhaval D Vyas for the appellants.

2. It is submitted by learned senior advocate for the appellants that the suit is based upon an alleged oral agreement to sell and as per the averments made in the plaint by the plaintiffs, father of plaintiffs have paid an amount of Rs. 4 crores in cash to defendant Nos. 1 to 9. It is contended that the vouchers which are placed on record also do not substantiate that the father of plaintiffs have paid an amount

of Rs. 4 crores in cash to defendant Nos. 1 to 9 in the year 2019. The further contention raised by the present petitioner is that they are the purchaser of the suit land pursuant to a registered sale deed dated 08.09.2023 and 03.06.2024. The learned Trial Court has gravely erred in believing the alleged cash transaction to the tune of Rs. 4 crores and granted Exh. 5 Application restraining the true owner of the land in question from transferring/alienating the suit property.

3. Considering the submissions addressed by learned Senior Advocate and on perusal of the order impugned, it appears that one of the grounds for granting the injunction application is the cash transaction of Rs. 4 crores between father of plaintiffs and defendant Nos. 1 to 9. The parting of an amount in cash to the extent of Rs. 4 crores is a serious issue and it appears from the record that the plaintiffs have not been able to establish by way of any evidence that an amount of Rs. 4 crore in cash has been paid by the father of plaintiffs to

defendant Nos. 1 to 9. The vouchers which are placed on record at page Nos. 43, 44 and 45 indicate that the amount involved in the transaction is approximately Rupees one crore.

4. In view of this, issue **Notice** to respondent making it returnable on **09.04.2026**. In the meantime, the operation and implementation of the order impugned is stayed till next date of hearing.

5. Direct service is permitted.

(D. M. DESAI,J)

SHIVANI SHUKLA