

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1338 of 2025**

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TARKAS MAHAJAN WADI THROUGH ITS SECRETARY YOGESHBHAI
PATEL

Versus

HEIRS OF DECD. RAVISHANKAR CHUNILAL VYAS & ORS.

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Appearance:

SAMEE A URAIZEE(7747) for the Petitioner(s) No. 1

MR DEVANG D TRIVEDI(2503) for the Respondent(s) No. 2

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CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 11/03/2025

ORAL ORDER

Heard learned Senior Counsel Mr. Mehul S. Shah with learned advocate Mr. Samee A. Uraizee for the petitioner and learned advocate Mr. Devang D. Teivedi for respondent No.2.

Learned Senior Counsel Mr. Shah would submit that due to change of office bearers of plaintiff, there was some communication gap between persons looking after administration of trust with the advocate, which resulted into a dismissal of the suit for default.

Learned Senior Counsel Mr. Shah would submit that considering the period of Covid if excluded there is hardly delay of 300 days. He would further submit that the plaintiff is the original landlord and if delay is condoned, no serious prejudice would be caused to the respondents.

Per contra, learned advocate Mr. Trivedi has vehemently objected present application and submitted that a detail reply has been filed by respondent No.2.

Respondent No.1 is the original tenant who is required to be heard before passing any order.

In view of above, issue **Notice** returnable on **24.04.2025**. Learned advocate Mr. Devang D. Trivedi waives service of notice on behalf of respondent No.2.

DRASHTI K. SHUKLA

(MAULIK J.SHELAT,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: DRASHTI HIRENBHAI MER(HC00354), PRINCIPAL PRIVATE SECRETARY, at High Court of Gujarat on 12/03/2025 18:28:38