

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 114 of 2024**

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LH OF DECD PATEL MANJIBHAI HANSRAJBHAI & ORS.

Versus

LHS OF DECD. PATEL HEMJIBHAI HANSRAJBHAI & ORS.

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Appearance:

MR RAXIT J DHOLAKIA(3709) for the Applicant(s) No.

1,1.1,1.2,1.2.1,1.2.2

for the Opponent(s) No. 1,1.1,1.2,2,2.1

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 03/04/2024****ORAL ORDER**

1. Heard Mr. Raxit J. Dholakia, learned advocate appearing for the applicants.

2. It is the case of the applicants herein that the opponents – original plaintiffs have instituted Special Civil Suit No.142 of 2022 seeking declaration and permanent injunction of the suit land. In the said suit land, names of applicants father Manjibhai Hansrajbhai and Harjibhai Manjibhai are mutated in form No.6 vide entry No.1073. On expiry of Harjibhai, applicant Nos.1/2/1 and 1/2/2 i.e. Bhikhabhai and Dharmishtaben approached the competent authority for mutating their names as legal heirs of Harjibhai Manjibhai. The same came to be objected by the

opponents-original plaintiffs.

3. Mr. Dholakia, learned advocate, submitted that the applicants – original defendants name appeared in the Form – 6 as well as 7/12 records since more than 70 years and the aforesaid entry has never been challenged. The Special Civil Suit No.142 of 2022 is filed after a lapse of more than 50 years and in view of the aforesaid, the applicants preferred an application below Order VII Rule 11 of the Code of Civil Procedure, 1908, seeking rejection of plaint; the same being barred by the law of limitation.

4. Issue **Notice** making it returnable on **12.06.2024**.

5. In the meantime, let there be ad-interim relief in terms of 7(C).

Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

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