

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 1091 of 2026**

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ABHRAJJI BHALAJI THAKOR & ORS.

Versus

CHAUDHARY DINESHBHAI MONGHABHAI & ORS.

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Appearance:

MUNJAAL M BHATT(8283) for the Petitioner(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 03/03/2026

ORAL ORDER

1. Heard learned advocate Mr. Munjaal M. Bhatt assisted by learned advocate Mr. Nisarg B. Dave for the petitioners.

2. Learned advocate for the petitioners has submitted that the petitioners herein have a co-ownership right in the suit land. Despite the fact that petitioners were defendants before the learned trial Court, keeping the petitioners in dark, respondent Nos.1 and 2 entered into a settlement with respondent Nos.3.1 to 3.3 and pursuant to the consent terms, a consent decree came to be passed. It is further submitted that in the revenue record, name of petitioner No.1 is mutated in on 24.12.1982. However, reliance has been placed upon an

alleged partition deed dated 07.05.2018 and contended that the defendant Nos.1 and 2 partitioned the suit property and each brother received 50% share in the suit land. Thereafter, the petitioners of Special Civil Application No.2180 of 2026 who are sisters of present petitioners executed a registered declaration deed dated 01.03.2023 in favour of the present petitioners *inter alia* contending that sisters have a co-ownership right in the suit land and sisters are relinquishing their share in favour of present petitioners. A pursis Exhibit-54 came to be submitted by the plaintiff *inter alia* contending that plaintiffs are not seeking any reliefs against defendant Nos.2 to 4 i.e. the present petitioners. However, present petitioners were not deleted from the array of parties. It is further contended that the consent terms have been submitted before the Lok Adalat wherein there was no consent of present petitioners and therefore, the consent decree is not a legal consent terms which can be executed.

3. Considering the aforesaid submissions, let notice be issued to respondents, making it returnable on 09.03.2026.

Direct Service, as sought for, is permitted.

RINKU MALI

(D. M. DESAI,J)

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: RINKU MALI(HC01574), PRIVATE SECRETARY, at High Court of Gujarat on 03/03/2026 17:50:58