

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 1215 of 2019
In
R/SPECIAL CIVIL APPLICATION NO. 13486 of 2017
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2019
In
R/LETTERS PATENT APPEAL NO. 1215 of 2019
With
R/LETTERS PATENT APPEAL NO. 1216 of 2019
In
R/SPECIAL CIVIL APPLICATION NO. 13487 of 2017
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2019
In
R/LETTERS PATENT APPEAL NO. 1216 of 2019
In
R/SPECIAL CIVIL APPLICATION NO. 13487 of 2017
With
R/LETTERS PATENT APPEAL NO. 1217 of 2019
In
R/SPECIAL CIVIL APPLICATION NO. 13489 of 2017
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2019
In
R/LETTERS PATENT APPEAL NO. 1217 of 2019
In
R/SPECIAL CIVIL APPLICATION NO. 13489 of 2017
With
R/LETTERS PATENT APPEAL NO. 1218 of 2019
In
R/SPECIAL CIVIL APPLICATION NO. 13488 of 2017
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2019
In
R/LETTERS PATENT APPEAL NO. 1218 of 2019
In
R/SPECIAL CIVIL APPLICATION NO. 13488 of 2017

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STATE OF GUJARAT & ORS.

Versus

PRAJAPATI GIRISHKUMAR MOGHAIJIBHAI & ORS.

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Appearance:

MR SANJAY UDHWANI ASSISTANT GOVERNMENT PLEADER for the
Appellant(s) No. 1,2,3,4

MR MANISH J PATEL(2131) for the Respondent(s) No. 2

MR Y J PATEL(3985) for the Respondent(s) No. 1

NOTICE SERVED for the Respondent(s) No. 3,4

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**CORAM: HONOURABLE MR. JUSTICE BIREN VAISHNAV
and
HONOURABLE MR. JUSTICE PRANAV TRIVEDI**

Date : 12/04/2024

ORAL COMMON ORDER

(PER : HONOURABLE MR. JUSTICE BIREN VAISHNAV)

Heard Mr. Sanjay Udhwani, learned Assistant Government Pleader appearing for the appellants.

It is apparent that, the judgment which has been relied upon by the learned Single Judge in the case of **Patel Dimpal Natubhai & Anr., v. State of Gujarat** being *Special Civil Application No. 21003 of 2016* was a subject matter of challenge before the Division Bench and the appeal by the Division Bench was dismissed only the ground of delay. The State went to the Hon'ble Apex Court and the Hon'ble Apex Court by order dated 24.04.2023 observed as under :-

"We are not inclined to interfere with the impugned judgment and order passed by the High Court.

The Special leave petition is dismissed.

Pending application(s), if nay, shall stand disposed of.

However, question of law is left open."

We are informed that Dimpal Natubhai Patel has been

appointed in compliance of the order. The State to take instructions as to why similar treatment be not given to the respondents herein subject to the outcome of the appeal.

Stand over to **01.05.2024**.

The appellants are directed to consider to appoint the respondents herein on their filing of an undertaking that their appointment shall be subject to the outcome of the appeal.

(BIREN VAISHNAV, J)

(PRANAV TRIVEDI, J)

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