

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 5030 of 2025**

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HARIBHAI VALLABHBHAI PATEL & ORS.

Versus

GOVANBHAI MORARBHAI PATEL & ORS.

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Appearance:

MR VIRAL K SALOT(3500) for the Petitioner(s) No.

1,1.1,1.2,1.3,1.4,2,3,4,5,6,7

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 30/04/2025****ORAL ORDER**

Heard learned advocate Mr. Kuntal Pandya with learned advocate Mr. Viral K. Salot for the petitioners. At the outset, learned advocate Mr. Pandya would submit that the impugned application filed by the plaintiffs below Exh.184 thereby requesting the trial Court to join the purchasers of the disputed land from the respective defendants as party defendants.

Learned advocate Mr. Pandya would submit that there is no opposition by any of the defendants or proposed defendants countering impugned application below Exh.184.

Learned advocate Mr. Pandya would further submit that the trial Court has adjudicated Exh.184 and 185 by way of common order but there is no discussion as such as regards rejection of application below Exh.184 in the body of the order. According to learned advocate Mr. Pandya, it is

unreasoned and non speaking order so far rejecting application below Exh.184 is concerned.

Prima facie, after going through the impugned order it appears that there is no discussion in the impugned order as to why the trial Court has rejected the application filed below Exh.184 i.e. for joining party. The trial Court has assigned reasons while rejecting application below Exh.185. The test of adjudication to decide both the applications are completely in different spheres as Exh.184 relates to Order 1 Rule 10 of the CPC wherein the trial Court is required to consider as to whether parties proposed by the plaintiffs are necessary or proper party or not whereas to decide application below Exh.185 filed under Order 6 Rule 17 of the CPC is in relation to amendment which has been sought for by the plaintiffs, is to be adjudicated as per the claim made in the suti as well as in the application by the plaintiffs.

So, in view of aforesaid, issue need deliberation by this Court, issue **Notice** returnable on **26.06.2025**.

To be heard with Special Civil Application No.5943 of 2025.

Direct service is permitted.

(MAULIK J.SHELAT,J)

DRASHTI K. SHUKLA