

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 52 of 2024**

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MAHAVIRBHAI CHANDUBHAI KHAACHAR**Versus****NAJKUBHAI @ NAJBHAI TAPUBHAI PATGIR**

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Appearance:**M/S.VYAS ASSOCIATES(1559) for the Applicant(s) No. 1****MR. SHALIN J PATEL(14556) for the Applicant(s) No. 1****for the Opponent(s) No. 1,2**

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 13/02/2024****ORAL ORDER**

1. Heard Mr. Dhaval Vyas, learned Senior Counsel with Mr. Shalin J. Patel, learned advocate for M/s. Vyas Associates appearing for the applicant.

2. Mr. Dhaval Vyas, learned Senior Counsel, submitted that the applicant herein is aggrieved by the impugned order dated 20.01.2024 passed below Exh.19 whereby, the application under Order VII Rule 11 of the Code of Civil Procedure, 1908 seeking rejection of the plaint came to be rejected. It was submitted that the parties entered into registered sale deed on 07.12.2021 which constitutes a valid sale under the Section 54 of the Transfer of Property Act, 1882. It was submitted that the

applicant herein seeks cancellation of the registered sale deed on the ground of non-payment of the amount of due and payable to the opponent – original applicant. Reliance is placed on **(2020) 7 SCC 366** more particularly, paragraph 29.9.

3. Issue **Notice** making it returnable on **01.04.2024**.

4. By way of ad-interim relief, the proceedings of Regular Civil Suit No.345 of 2023 are directed to be stayed till the next returnable date.

5. Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

NEHA