

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SECOND APPEAL NO. 39 of 2023****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2023****In R/SECOND APPEAL NO. 39 of 2023**

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ZALA PARBATSINH MANUBHAI

Versus

PATEL CHANCHALBEN KANTIBHAI

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Appearance:

MR NILESH PANDYA FOR MR AMIT C NANAVATI(1384) for the
Appellant(s) No. 1

for the Respondent(s) No. 1,2,3,4,5,6,7

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 15/02/2023****ORAL ORDER**

1. Mr.Nilesh Pandya, learned advocate with Mr.Amit Nanavati, learned advocate for the appellant submitted that the appellant has purchased various parcels of land from respondent - Kantilal Ambalal Patel by executing a registered sale deed, giving detailed description of the lands purchased, namely, item nos.1 to 5. The sale deed was registered; however, unilaterally and behind the back of the appellant, the respondent has executed rectification deed on 09.03.2000 within a period of 9 months, got the same registered. At the time of registration of the rectification deed, two sentences have been added excluding the land bearing survey no.397 paiki, which was acquired by the O.N.G.C. As per the rectification deed, land bearing survey no.397 paiki was admeasuring 6880 and 6981 sq.mtrs. respectively, out of which, 9155 sq.mtrs. of land was acquired by the O.N.G.C. It is submitted that the rectification deed has been executed, *inter alia*, pointing out that out of total land

admeasuring 13861 of the land bearing survey no.397 paiki, only 4706 sq.mtrs. of land has been sold to the appellant. It is submitted that clearly, the rectification deed is not signed by the appellant. Not only that, the appellant was not made aware about the rectification deed having been registered with the office of the sub-registrar. It is submitted that the rectification deed and the corrected portion in the registered sale deed do not carry signature of the appellant. The suit was filed, which came to be allowed by a reasoned order. However, in the appeal, misinterpreting and misconstruing the evidence, it came to be allowed.

2. Issue notice returnable on **15.03.2023.**

Order in Civil Application

1. Considered the submissions. Issue notice returnable on **15.03.2023.**

2. By way of an ad-interim relief, till the next date of hearing, operation, implementation and execution of the judgment and decree dated 30.12.2022 passed by the learned 4th Additional District Judge, Mehsana, is hereby stayed. Direct service is permitted.

Hitesh

(SANGEETA K. VISHEN,J)