

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/APPEAL FROM ORDER NO. 22 of 2026****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026****In R/APPEAL FROM ORDER NO. 22 of 2026**=====
MAGANBHAI NARANBHAI PATEL & ANR.**Versus****VASUBHAI @ VASUDEVBHAI DEVSHIBHAI PATEL**
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Appearance:

MR BY MANKAD(440) for the Appellant(s) No. 1,2

NOTICE THROUGH SPEED POST SERVED for the Respondent(s) No. 1
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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 29/04/2026****ORAL ORDER**

1. Heard learned advocate Mr. B.Y. Mankad for the appellants.

Though served, none appeared for the respondent.

2. Learned advocate for the appellants has taken this Court through the order dated 11.11.2022 passed by the Co-ordinate Bench of this Court in Special Civil Application No. 22627 of 2022 and contended that Special Civil Suit No. 10 of 2022 came to be instituted by the present appellants for the reliefs of injunction for the suit properties which are also the suit properties in the present proceedings. It is submitted that the Co-ordinate Bench of this Court has directed that the respondents therein shall not deal with the subject property being Survey No. 112/1 situated at Village – Varsamedi, Taluka – Anjar. Despite the fact that the said order

was brought to the notice of the learned Trial Court, the learned Trial Court did not consider the order passed by the Co-ordinate Bench of this Court and rejected the application below Exhibit – 5. It is submitted that since the suit is for partition and for implementation of family settlement, the suit properties are required to be protected from being alienated by the defendants. It is, therefore, submitted that the defendants be restrained from creating any third party rights with regard to the suit properties pending the suit proceedings. No other submissions were made by learned advocate for the appellants.

3. Having considered the submissions canvassed by learned advocate for the appellants and upon perusal of the order impugned, it appears that the plaintiff is seeking partition of the suit properties together with a relief that the memorandum of understanding dated 24.05.2018 executed between the parties be implemented and till then, the suit properties may not be alienated. Upon perusal of the order dated 11.11.2022 passed by the Co-ordinate Bench of this Court in Special Civil Application No. 22627 of 2022, it appears that the Co-ordinate Bench of this Court has directed the respondents not to deal with the suit properties being

Survey No. 112/1 situated at Village – Varsamedi, Taluka – Anjar. It appears that the Survey No. 112/1 is one of the suit properties of the present proceedings. As, there is no contest from the other side, this Court is of the view that the present Appeal from Order be admitted.

4. Admit. In the meantime, the parties are directed to maintain status quo with regard to the title and possession of the suit properties.

5. Civil Application No. 1 of 2026 (for Stay) stands disposed of accordingly.

Direct service, as prayed for, is permitted.

(D. M. DESAI,J)

MUSKAN