

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2560 of 2026**

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M/S. KAMAL AND CO. & ORS.

Versus

ABDULLAHMIYA ABDULREHMAN TOPIWALA & ORS.

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Appearance:

MR CHINMAY M GANDHI(3979) for the Petitioner(s) No. 1,2,3

MS RUMI M GANDHI(3472) for the Petitioner(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 26/02/2026****ORAL ORDER**

1. Heard learned advocate Mr. Chinmay M. Gandhi for the petitioners. It is submitted that the suit is filed for relief of specific performance of a registered agreement to sell of the year 1993. The stage of the suit is recording the deposition of plaintiff. At that stage, the defendant moved an application to transfer the suit proceedings to the learned Waqf Tribunal, Gandhinagar by relying upon a notification dated 08.02.2016 issued by the High Court of Gujarat. It is further contended that in the written statement, no where the contention with regard to lack of jurisdiction of the Civil Court is raised. However, the learned Court below in absence of the specific dispute with regard to jurisdiction of Civil Court, has granted the application and ordered the suit to be transferred to

the Gujarat State Waqf Tribunal, Gandhinagar.

2. Having considered the submissions canvassed by the learned advocate for the petitioner and on perusal of the record, the issue involved in the present suit regarding applicability of the Waqf Act requires to be considered.

3. Hence **Rule**, returnable on 15.06.2026. In the meantime, the operation and implementation of the order dated 16.01.2026 passed by the Chamber Judge, City Civil Court, Ahmedabad as well as order dated 21.01.2026 is stayed.

(D. M. DESAI,J)

MAYA

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MAYA SHANKERLAL CHAUHAN(HC01402), PRIVATE SECRETARY, at High Court of Gujarat on 27/02/2026 16:33:37