

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 2595 of 2026**

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SIPAI RIMIBEN SAJIBHAI LH OF LATE SIPAI SAJIBHAI AMADBHAI JIVA &  
ORS.

Versus

HUSSAIN ALIBHAI MANASIYA & ANR.

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Appearance:

MR KARAN K PAUL(11611) for the Petitioner(s) No. 1,2,3,4,5

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**CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

**Date : 27/07/2026**

**ORAL ORDER**

1. Heard Mr. Karan K. Paul, learned Advocate for the petitioners.
2. After arguing for some time, under the instructions of his client, Mr. Paul, learned Advocate, does not invite a reasoned order in this petition. Nonetheless, Mr. Paul, learned Advocate, would submit that so far as Clause No. 7 of the operative portion of the judgment and decree passed by the Trial Court is concerned, it is in relation to the institution of a criminal complaint under Sections 227, 236, and 237 of the BNS against respondent No. 1 herein. It is submitted that Mr. Paul, learned Advocate, would submit that as such, the respondent No. 1

ought to have preferred an appeal under Section 380 of the BNSS before the Competent Court challenging the aforesaid directions issued by the Trial Court while decreeing the suit. Mr. Paul, learned Advocate, would submit that this Court may allow the petitioners to agitate such a point before the Appellate Court during the course of hearing of the appeal.

3. Having heard Mr. Paul, learned Advocate and taking into account the fact that Clause No. 7 of the operative portion of the judgment and decree passed by the Trial Court, whereby, the Trial Court directed the institution of a complaint under the relevant provisions of the BNS, it is open for the petitioners to raise a contention that such part of the order should be challenged by respondent No. 1 by way of an appeal under Section 380 of the BNSS. As and when such plea will be raised by the petitioners herein during the course of the hearing of the appeal, while deciding the appeal, the Appellate Court shall also examine such aspect and pass an appropriate order on such issue, in accordance with law.
4. It is further made clear that any observation made by the Appellate Court while passing the impugned order would not come in the way of the respective parties, as the Appellate

Court is required to decide the lis between the parties as per the evidence available on record. All rights and contentions of the respective parties are kept open, which may be adjudicated by the Appellate Court as expeditiously as possible.

5. If the petitioners request the Appellate Court for an early hearing of the appeal, the same shall be accepted, and the parties to the appeal shall extend their cooperation and support for the early adjudication of the appeal. The Appellate Court may see to it that the same shall be decided as expeditiously as possible, preferably within one year from the date of receipt of such request.
6. It is made clear that this Court has neither gone into nor examined the merits of the matter.
7. Accordingly, the present petition is disposed of as not pressed. No order as to costs. Interim relief, if any, stands vacated forthwith.

**(MAULIK J.SHELAT,J)**

NILESH

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: PARMAR NILESHKUMAR R(HCD0068), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 28/07/2026 14:51:21