

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 7796 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE MAULIK J.SHELAT

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Approved for Reporting	Yes	No
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NORTH CIRCLE ASSOCIATION

Versus

UNITED ORGANIZERS & ORS.

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Appearance:

MR ANKIT SHAH(6371) for the Petitioner(s) No. 1

G H VIRK(7392) for the Respondent(s) No. 3

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 23/06/2026

JUDGMENT

1. Heard learned advocate Mr. Ankit Shah appearing on behalf of the Applicant and learned advocate Mr. Jagrak Shah on behalf of learned advocate Mr. G. H. Virk for Respondent No.3 on advance copy.

2. Rule returnable forthwith. Mr.Jagrak Shah, learned advocate for Mr.G.H.Virk, learned advocate waives service of

Rule for Respondent No.3. At this stage, the presence of other respondents would not require to adjudicate this petition.

3. The present petition is filed under Article 227 of the Constitution of India, seeking the following reliefs:

“(A) YOUR LORDSHIPS may be pleased to issue a writ of certiorari or any other appropriate writ to quash and set aside the order dated 06.12.2025 passed below Exh. 168 in Civil Suit No. 133 of 1994 by the Ld. Aux Civil Judge, Ld. City Civil Court, Ahmedabad which is annexed at Annexure-A to the petition and thereby restore and declare the order dated 20.09.2023 as legal and valid.

(B) Pending hearing and final adjudication of the present petition, grant stay on the effect and implementation of the order dated 06.12.2025 passed below Exh. 168 in Civil Suit No. 133 of 1994 by the Ld. Aux Civil Judge, Ld. City Civil Court, Ahmedabad which is annexed at Annexure-A to the petition.

(C) Pending hearing and final adjudication of the present petition, grant stay on adjudication of Civil Suit No. 133 of 1994 pending before the Ld. City Civil Court, Ahmedabad.

(D) Pass any such other and/or further orders that may be thought just and proper, in the facts and circumstances of the present case;”.

SUBMISSIONS OF THE PETITIONER :

4. At the outset, Mr. Ankit Shah, learned Advocate would submit that order impugned in this petition is passed by the trial court, dehors the provisions of Code of Civil Procedure, 1908 (hereinafter referred to as “CPC”), more particularly under Section 114, read with Order 47, Rule 1 of CPC. It is

submitted that the first-initial order passed below Exhibit 168, which was, in fact, allowed the said application by the trial court itself vide its order dated 28th September, 2023, whereby it has stayed the suit proceeding in question. It is further submitted that impugned order is passed, reviewing and modifying the aforesaid order, which could not have been done unless any application for review was filed by any of the parties to the suit. It is also submitted that none of the parties to the suit had filed such review application.

SUBMISSIONS OF THE RESPONDENT :

5. *Per contra*, Mr. Jagrak Shah, learned advocate appearing for Respondent No. 3 would candid in his submission that there was no application as provided under Section 114 read with Order 47, Rule 1 of CPC, filed either by the Respondent No. 3 or any other parties to the suit proceeding. Nonetheless, the trial court, after considering the factual scenario, emerges from the record, review/modify its earlier order dated 28 September 2023 passed below Exhibit 168 in the suit.

5.1. Learned advocate Mr.Shah would further submit that, if this Court is inclined to accept the prayer made in the present petition, the liberty may be reserved in favour of the Respondent No. 3 and/or any another defendants of the suit in

question to file an appropriate application including review application for review/recall/modify the order dated 28th September, 2023 passed by trial court below Exhibit-168 in the suit.

ANALYSIS :

6. Having heard learned counsel for the parties and upon perusal of order impugned in this petition, it appears that while passing the impugned order, trial court has lost sight of specific provision of CPC, more particularly Section 114, read with Order 47, Rule 1 of CPC. It is not in dispute between the parties that upon an application filed below Exhibit 168 by the petitioner herein happens to be original plaintiff of Civil Suit No. 133 of 1994, and after hearing the parties, the trial court vide its order dated 28th September 2023 allowed the said application, whereby it has stayed the aforesaid suit until final adjudication of the First Appeal No.3266 of 2013, which is pending before coordinate bench of this Court.

7. The trial court appears to have review/modify its order by way of impugned order without receipt of any review application from any of the parties to the suit proceedings. It further appears from bare reading of the impugned order that even prior to passing of impugned order, no notice was served

upon any of the parties except the respondent No.3 herein through its lawyer was heard, might be present.

8. Having considered the aforesaid aspect of the case and having noticed aforesaid facts that impugned order came to be passed by the trial court on its own without any application seeking review/recall/modification of order dated 28th September, 2023 passed below Exhibit-168 and also considering the fact that Exhibit-168 is already allowed by the trial court, the impugned order is ex-facie erroneous, perverse and contrary to provisions of law (CPC) and also passed in violation of principles of natural justice.

9. Thus, having reached to the aforesaid conclusion that the impugned order is unsustainable in law, I would like to exercise the power vested in me under Article 227 of the Constitution of India, thereby the impugned order requires to be interfered.

10. Accordingly, in view of the aforesaid reasons, the impugned order dated 6th December, 2025 passed by City Civil Court, Ahmedabad below Exhibit-168 in Civil Suit No. 133 of 1994 is hereby by quashed and set aside. Consequently, the order dated 28th September, 2023 passed by the trial court below Exhibit-168 is restored back.

11. It is needless to state that it shall be open to the parties to the suit to file an appropriate application seeking review/recall/modification of the order dated 28th September, 2023 passed by the Trial Court below Exhibit-168 in the aforesaid suit. As and when such an application will be filed before the Trial Court concerned, the same shall be heard and decided on its own merits, as expeditiously as possible, *albeit* after affording an opportunity of hearing to all parties concerned.

12. It is made clear that this Court has neither gone into nor examined the merits of the matter, except what has been expressed and discussed hereinabove.

13. With the aforesaid observations and liberty reserved in favour of the parties, the present petition stands allowed. Rule is made absolute to the aforesaid extent. No order as to costs.

(MAULIK J. SHELAT, J)

PARMAR CHIRAG