

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2638 of 2026**

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VASANTIBEN W/O MANUBHAI RAGHAVBHAI BHALGAMIYA D/O
KESHAVBHAI DUDABHAI & ANR.

Versus

RATANBEN RAGHAVBHAI BHALGAMIYA & ORS.

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Appearance:

MR KUSHLENDRASINH R JHALA(12714) for the Petitioner(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE DEVAN M. DESAI**

Date : 26/02/2026

ORAL ORDER

1. Learned advocate Mr. Denish Morakhia submits that he has instructions to appear for the petitioners and he may be permitted to make submissions on behalf of learned advocate Mr. Kushlendrasinh R. Jhala for the petitioners.

2. Heard learned advocate Mr. Denish Morakhia on behalf of learned advocate Mr. Kushlendrasinh R. Jhala for the petitioners.

3. Learned advocate for the petitioners has submitted that the suit is filed for a relief of permanent injunction coupled with a prayer for declaration that defendants have no right to sell or alienate the suit property. Despite these prayers, defendants sold

the suit property to the proposed party by a registered sale deed dated 10.07.2024. Therefore, a combine application under Order I Rule 10 and under Order VI Rule 17 of the Code of Civil Procedure, 1908 was filed. Learned trial Court while rejecting the application, has taken a very strange view that the certified copy of the sale deed could have been produced by plaintiffs, however in absence of production of the certified copy of the sale deed, the application is rejected.

4. Considering the submissions canvassed by learned advocate for the petitioner, issue notice, making it returnable on 12.03.2026.

RINKU MALI

(D. M. DESAI,J)