

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 108 of 2022**

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HEIRS OF DECD SHANKARBHAI HIRABHAI VAGHRI

Versus

HEIRS OF DECD RAMABHAI HIRABHAI CHUNARA

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Appearance:

MR NISARG S. SHAH, ADVOCATE for

MR NM KAPADIA(394) for the Applicant(s) No.

1,1.1,1.2,1.3,1.4,1.4.1,1.4.2,1.4.3,1.5,1.5.1,1.5.2,1.6,1.6.1,1.6.2,1.6.3,1.7,1.7.

1,1.7.2,1.7.3,1.8,1.8.1,1.8.1.1,1.8.1.2,1.8.1.3,1.8.2

for the Opponent(s) No.

1,10,1.1,1.2,1.3,1.4,1.5,1.6,1.7,2,2.1,2.2,2.3,2.3.1,2.3.2,2.3.3,3,3.1,3.2,3.3,3.3

.1,3.3.2,4,4.1,4.2,4.2.1,4.2.2,4.2.3,4.2.4,4.2.5,5,6,6.1,6.2,6.3,6.3.1,6.3.2,6.3.3,

7,7.1,7.2,7.2.1,7.2.2,8,8.1,9

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CORAM: HONOURABLE MR. JUSTICE A.S. SUPEHIA

Date : 03/10/2022

ORAL ORDER

1. Learned advocate Mr.Nisarg S. Shah, appearing for Mr.Kapadia, has submitted that the plaint is barred by law of limitation and when the defendants filed an application seeking rejection of the plaint under Order VII Rule 11 of the Code of Civil Procedure, 1908, the Court below has rejected the application without examining the correct facts. It is submitted that even assuming the averments made in the plaint are correct, the same suffers from vital and specific details, which should have been disclosed by the plaintiffs.

2. Learned advocate has submitted that in paragraph No.3 of the averments made in the plaint, though the plaintiffs have

stated that Shankarbhai Hirabhai Vaghri (Chunara) died and after his death, the defendants have surreptitiously introduced their name in the ancestral land, however no specific details are pointed out. It is further submitted that even the plaintiffs have suppressed the entities mutated in village Form No.6 on 09.09.1981, after the death of Shankarbhai Hirabhai, wherein the names of the defendants have been entered.

3. Learned advocate Mr.Shah, has submitted that the plaintiffs had acquired the knowledge of such entry in the year 1981, however the suit has been filed in July, 2019.

4. Issue **NOTICE** to the respondents returnable on **15.11.2022.**

5. In the meantime, interim relief in terms of paragraph No.7(C) is granted.

(A. S. SUPEHIA, J)

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