

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/APPEAL FROM ORDER NO. 27 of 2026****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/APPEAL FROM ORDER NO. 27 of 2026**

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JITENDRA SUKHABHAI SOLANKI

Versus

JAYANTIBHAI SHANABHAI SOLANKI

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Appearance:

MR JAMSHED KAVINA(11236) for the Appellant(s) No. 1

MR SP MAJMUDAR(3456) for the Appellant(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE DEVAN M. DESAI****Date : 23/02/2026****ORAL ORDER****ORDER IN APPEAL FROM APPEAL:-**

1. Heard learned advocate Mr. S.P. Majmudar assisted by learned advocate Mr. Jamshed Kavina for the appellant.
2. Learned advocate for the appellant has contended that the suit which was filed by the respondent was with regard to prayers of declaration and a relief of permanent injunction restraining defendant-present appellant from disturbing the possession of plaintiff. The suit came to be dismissed. Against which, the plaintiff preferred an appeal. By allowing the appeal, learned Appellate Court has remanded the Regular Civil Suit and directed the learned trial Court to decide the suit afresh on

the ground that the disputed Will Exhibit-44 is hit by the provisions contained under Section 43 of the Gujarat Tenancy and Agricultural Lands Act, 1948. It is further contended that the learned Appellate Court has travelled beyond its jurisdiction and remanded the matter. It is further contended that plaintiff though filed his examination-in-chief but did not remain present for the cross-examination.

3. In view of the above, the issue requires consideration, issue notice, making it returnable on 05.03.2026.

Direct Service, as sought for, is granted.

ORDER IN CIVIL APPLICATION:-

Heard learned advocate Mr. S.P. Majmudar assisted by learned advocate Mr. Jamshed Kavina for the appellant.

Notice as to interim relief, making it returnable on 05.03.2026.

Direct Service, as sought for, is granted.

(D. M. DESAI,J)

RINKU MALI