

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 4235 of 2026**

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JITENDRA JADAVJIBHAI SANKADASARIYA(PATEL)

Versus

HEIRS OF DECD. LALLUBHAI HIRABHAI PATEL & ORS.

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Appearance:

MS CHINTANIKA P LUKHI(10189) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 27/03/2026****ORAL ORDER**

1. Heard learned advocate Mr. Shrey Dave for learned advocate Ms. Chintanika Lukhi for the petitioner.

2. Draft amendment allowed. Necessary amendment to be carried out forthwith.

3. Learned advocate for the petitioner submitted that plaintiff No. 1 expired on 21.09.2020 and plaintiff No. 2 expired on 23.09.2020. Thereafter, on 18.10.2023, Mr. Vinodbhai Talshibhai Patel, claiming to be the beneficiary under the will executed by plaintiff No. 1, filed an application for impleadment as plaintiff along with an application for condonation of delay. It is submitted that the application for condonation of delay merely states that, if any delay

is presumed, the same may be condoned. It is further submitted that the application is vague and does not disclose any sufficient cause for the delay. The learned Trial Court, without appreciating that no sufficient cause was made out in the application for condonation of delay, granted the application below Exhibit – 76.

4. Considering the above facts and circumstances, issue Rule. In the meantime, the operation and implementation of the order dated 17.11.2025 passed by the learned 3rd Additional Senior Civil Judge, Bhavnagar is hereby stayed.

(D. M. DESAI,J)

MUSKAN