

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2915 of 2026**

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REVABEN PARABHUBHAI PATEL W/O KARSHANBHAI MULJIBHAI PATEL
& ORS.

Versus

KANTIBHAI BHAGABHAI PATEL SINCE DECEASED THROUGH LEGAL
HEIRS AND REPRESENTATIVES & ORS.

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Appearance:

MR. AADITYA R. SHAH(18843) for the Petitioner(s) No. 1,2,3

VIRAL K SHAH(5210) for the Petitioner(s) No. 1,2,3

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

Date : 23/03/2026

ORAL ORDER

1. Heard learned advocate Mr. Viral Shah for the petitioners. A copy of the Rojkam is placed on record by way of paperbook.

2. It is submitted by the learned advocate for the petitioners that the application to reopen the stage to file written statement was submitted as back as in the year 02.02.2010, and the same was kept pending for adjudication. Thereafter, the plaintiff led evidence and was cross-examined by the present petitioners on 04.03.2020. Thereafter, the plaintiff closed its side to lead evidence. Upon closure to lead evidence,

present petitioners submitted affidavit in lieu of examination-in-chief. At the time of cross-examination of the petitioners, it was noticed by the learned advocates for the respective parties as well as by learned Court below that the application to reopen the stage to file written statement is not decided.

3. Considering the aforesaid fact, the application Exh.58 came to be disposed of as infructuous. It is submitted that the application Exh.58 is not decided on merits and simply being disposed of on the ground that the present petitioners have cross-examined the plaintiff and have also cross-examined the witness of plaintiff.

4. Considering the submissions and the order impugned, the petition requires consideration.

5. Hence, Rule.

6. In the meantime, the order dated 23.12.2025, passed by the 9th Additional Senior Civil Judge, Surat, is stayed.

7. Direct Service is permitted.

(D. M. DESAI,J)

SHIVANI SHUKLA