

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 2990 of 2026**

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JAYSHREEBEN ASHVINKUMAR FICHADIYA & ORS.

Versus

BECHARBHAI AMBABHAI PATEL LEGAL HEIRS OF DECEASED AMBA
BHAGVANBHAI PATEL & ORS.

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Appearance:

MR. HJ KARATHIYA(7012) for the Petitioner(s) No. 1,2,3,4,5,6

MS POOJA CHOUDHARY, AGP for the Respondent(s) No. 2,3,4,5

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 24/03/2026****ORAL ORDER**

1. Heard learned advocate Mr. H. J. Karathiya for petitioners and learned AGP Ms. Pooja Choudhary for the respondents. Perused the record.
2. Learned advocate for the petitioners submitted that both the parties have submitted their written arguments before the learned trial Court. He has further submitted that the application for exhibiting documents produced at mark 4/1 to 4/25 came to be filed by the plaintiffs. It is submitted that after closure of the stage of the plaintiffs, an application Exh.89 came to be filed by the plaintiffs to reopen the stage and permitting plaintiffs to produce certified copy of documents. The said application came to be rejected on 15.9.2025. The said order has attained finality since plaintiffs did not assailed the said order. The order in question is giving exhibits to the documents which are not proved by the plaintiffs and moreover some of the documents are xerox copies. The contention raised by the learned advocate for the petitioners is that at the stage of pronouncement of

the judgment, these documents are exhibited which is against the settled proposition of law. It is also contended that in absence of any evidence with regard to the proof of those documents which are exhibited, the learned trial Court has committed an error of law.

3. Considering the aforesaid facts and the submissions canvassed by learned advocate for the petitioners, moreover, considering the impugned order, this Court is of the opinion that the issue raised by the petitioners requires consideration. Hence, Rule, returnable on 25.6.2026. Till then, execution, implementation and operation of impugned order dated 20.11.2025 is stayed.

4. However, it is clarified that this Court has not stayed the proceedings of the suit and, therefore, the learned trial Court shall proceed with the suit in accordance with law.

5. Direct Service is permitted, as prayed for.

(D. M. DESAI,J)

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