

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD  
R/SPECIAL CIVIL APPLICATION NO. 2637 of 2026**

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ASLAMBHAI SAFIBHAI KHUNAWALA & ORS.

Versus

ABDULSATTAR SAFIBHAI MANA (L.H. OF RABIYABEN D/O. IBRAHIMBHAI  
KHUNAWALA AND W/O. SAFIBHAI MANA) & ORS.

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Appearance:

MR. MRUGESH A BAROT(6709) for the Petitioner(s) No. 1,2,3,4,5,6,7,8

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

**Date : 27/02/2026  
ORAL ORDER**

1. Heard learned advocate Mr. S.P. Majmudar for learned Mr. Mrugesh A. Barot for the petitioners.

2. Learned advocate for the petitioners has submitted that on the first returnable date i.e. on 13.02.2026, plaintiff filed an application for appointment of a Court Commissioner and the defendant objected to it and sought time to file reply against the application. However, on the same day, without giving any opportunity of being heard, the impugned order came to be passed. It is further submitted by learned advocate for the petitioners that petitioners have been orally instructed by the learned Commissioner for seeking an extension of submission of report. In view of this fact, it is submitted that till today, the order dated 13.02.2026 has not been implemented.

3. If this be the case, the order impugned dated 13.02.2026 passed below Exhibit-7 by learned Principal Senior Civil Judge, Dahod in Special Civil Suit No.3 of 2026, shall remain stayed till next date of hearing.

4. In view of the above submissions, issue requires consideration. Hence, notice returnable on 28.04.2026.

RINKU MALI

**(D. M. DESAI,J)**

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: RINKU MALI(HC01574), PRIVATE SECRETARY, at High Court of Gujarat on 02/03/2026 11:37:11