

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 273 of 2025**

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AMBALAL CHATURBHAI PATEL & ORS.

Versus

LILABEN D/O KANTIBHAI CHATURBHAI AND W/O CHINUBHAI
MAFATBHAI PATEL & ORS.

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Appearance:

VMP LEGAL(7210) for the Applicant(s) No. 1,2,3,4,5,6

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER**Date : 20/03/2025****ORAL ORDER**

1. The present revision application has been filed challenging the order dated 23.01.2025 passed below Exh.9 in Special Civil Suit No.120 of 2022 by the 3rd Additional Senior Civil Judge, Gandhinagar whereby the application filed under Order VII Rule 11 of Civil Procedure Code, 1908 ('the CPC', for short) is rejected.

2. Learned advocate for the applicant – original defendants has mainly argued that from the bare reading of the suit i.e. Special Civil Suit No.120 of 2022, it appears that plaintiffs have come forward with the case that signatures were fraudulently taken by the defendants for relinquishment of right of the plaintiff, regarding the suit land and the application filed under Order VII Rule 11 of the

CPC has been rejected on the ground that no documents is produced by the applicants herein to substantiate the application filed under Order VII Rule 11 of the CPC. However, the learned trial Court has not considered the relinquishment statement that has been produced vide Exhs.3/2 and 3/3 along with the plaint and, therefore, it has erred in rejecting the application filed by the present applicant to reject the plaint.

3. In view of the fact that once by way of family arrangement when the right over the suit property is relinquished and in view of the fact that mutation entry by which the plaintiffs have relinquished their right in respect of suit property is of the year 1993-95 and the plaintiff having filed the suit in the year 2022 with respect to property which are already mutated in the name of the owner, the present application requires consideration. Hence, **Notice** returnable on 09.04.2025. In the meantime, interim relief in terms of Para:14(B) is granted till then.

(SANJEEV J.THAKER,J)

MISHRA AMIT V.