

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 895 of 2026****With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2026
In R/FIRST APPEAL NO. 895 of 2026**=====
SANJAYBHAI MANUBHAI BAVADIYA**Versus****CHHIMKABHAI MAGANBHAI PATEL & ORS.**
=====

Appearance:

VIRAL K SHAH(5210) for the Appellant(s) No. 1

MR DHRUV D DESAI(9909) for the Defendant(s) No. 10,11,4,5,6,8,9.1

MR NM KAPADIA(394) for the Defendant(s) No.

1,2,2.1,2.2,2.3,3,3.1,3.2,3.3,3.4

MR. YASHRAJSINH V. VAGHELA(20430) for the Defendant(s) No. 12
=====**CORAM:HONOURABLE MR. JUSTICE J. C. DOSHI****Date : 10/04/2026****ORDER****Order in Appeal**

1. This is a statutory appeal under Section 96 of the Code of Civil Procedure, 1908, challenging the judgment and decree passed in Special Civil Suit No.436 of 2010 by the learned Civil Court at Surat, whereby the suit of the plaintiff was decreed and the power of attorney and agreement to sell executed in favour of the appellant by original opponent Nos.1 to 8 were cancelled.

2. Heard learned senior counsel Mr.Prakash Jani assisted by learned counsel Mr.Viral Shah for the appellant and learned counsel Mr.Jitendra Patel with learned counsel Mr.N.M.Kapadia for the original plaintiff/s.

3. Considering the fact that, during the pendency of the suit, the suit property changed hands, and the third parties are not permitted to be joined as defendant parties, the impugned decree has been passed in their absence, thereby affecting their proprietary rights. Hence, appeal deserves consideration.

4. Accordingly, present Appeal is Admitted. Learned advocate Mr.Kapadia waives service of notice of admission for and on behalf of original plaintiffs - respondent Nos.1 to 3 herein.

5. R&P to be called for.

Order in Civil Application

1. Both parties shall maintain the status quo with regard to the title and possession of the disputed property till further order. With this order, the impugned judgment and decree is kept in abeyance.

2. In view of the above, present Civil Application stands disposed of.

MANOJ

(J. C. DOSHI,J)