

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1687 of 2024****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2024****In R/FIRST APPEAL NO. 1687 of 2024**

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LH OF DECD RAIYABHAI BHAGABHAI DABHI & ORS.**Versus****DHANIBEN D/O RAIBHAI BHAGUBHAI DABHI & ORS.**

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Appearance:**MR MANAN B PANDYA(12491) for the Appellant(s) No. 1,1.1,1.2,1.3,1.4,1.5****MR V Z BHARDA(12667) for the Appellant(s) No. 1,1.1,1.2,1.3,1.4,1.5****for the Defendant(s) No. 4,5,5.1,5.2,5.3,5.4,5.5,5.5.1,5.5.2,5.5.3,5.6,5.7****MR ANKIT SHAH(6371) for the Defendant(s) No. 1,2,3**

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**and****HONOURABLE MS. JUSTICE NISHA M. THAKORE****Date : 26/04/2024****ORAL ORDER****(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)**

Heard Mr S.P. Majmudar, learned advocate with Mr Varun Z. Bharda, learned advocate for the applicants and Mr Harshit S. Tolia, learned Senior Advocate with Mr Ankit Shah, learned advocate for the respondents.

2. Issue notice to the respondents, returnable on 21.06.2024. Mr Ankit Shah, learned advocate, waives service of notice on behalf of the respondent nos.1 to 3.

3. The challenge, in the captioned First Appeal, is the judgment dated 21.02.2024 passed in Special Civil Suit no.15 of 2012. The parties, have raised a concern about the direction contained in the order and more particularly, paragraph 7, which reads thus:-

“7. The present preliminary decree is to be sent for effective partition of the suit property by metes and bounds u/s 54 of Code of Civil Procedure, 1908 to the District collector of Morbi, who in turn shall report regarding the same to this court within 90 days from receipt of preliminary decree.”

4. Mr S.P. Majmudar, learned advocate, has pointed out that upon application being filed, the learned Judge, has stayed the judgment and decree for the appeal period.

5. In view of the above, let there be a stay of paragraph 7 of the order (page 49) of the compilation, till the next date of hearing. In addition to the same, let the parties maintain status quo qua the land in question.

6. Direct service is permitted.

(SANGEETA K. VISHEN,J)

(NISHA M. THAKORE,J)

BINOY B PILLAI