

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 3675 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 3728 of 2026****With****R/SPECIAL CIVIL APPLICATION NO. 3731 of 2026**

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DR NIRAJBHAI RAMESHCHANDRA JANI

Versus

TRUSTEES OF SHETH SHRI HARGOVANDAS JIVANLAL DHARMSHALA &
ORS.

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Appearance:

MR HARSHIT S BHATT(12874) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 17/03/2026****COMMON ORAL ORDER**

1. Heard learned advocate Mr. Harshit S. Bhatt for the petitioner.

2. It is submitted that evidence of both the sides was concluded and thereafter the matter was posted for judgment. At that stage, plaintiff moved applications Exhibit-83, 89 and 92 respectively seeking permission to re-open the stage to prove leave and licence agreement Exhibit-40, 44 and 46 respectively.

It is further submitted that leave and licence agreement was tentatively given exhibit by the learned Court below on 25.11.2021 and thereafter plaintiff led their evidence. It appears that the learned trial Court has exercised the jurisdiction of re-

opening the stage of plaintiff after a very long period and that to at the time of pronouncement of the judgment. The reasoning assigned in the order impugned is not in consonance with the provisions of law and more particularly the provisions contained in the Indian Evidence Act. The issue requires consideration. Hence, Rule.

3. In the meantime, the implementation and operation of the order dated 12.02.2026 passed below Exhibit-83, 89 and 92 by learned Additional Civil Judge, Talaja in Regular Civil Suit No.64 of 2015 is stayed.

4. Learned trial Court is not precluded from passing the judgment on the basis of evidence available on record.

Direct Service, as sought for, is permitted.

RINKU MALI

(D. M. DESAI,J)