

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/MISC. CIVIL APPLICATION (FOR RESTORATION) NO. 968 of 2026****In****F/MISC. CIVIL APPLICATION/37703/2025****In****R/SPECIAL CIVIL APPLICATION/2047/2012**

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LHS OF DECD.PATEL MADHABHAI PARSHOTTAMBHAI, LHS OF
DECD.PATEL SANKABHAI MADHABHAI & ORS.

Versus

LEGAL HEIR OF NAYI DAHYABHAI NATHABHAI & ORS.

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Appearance:

MR HIMANISH J JAPEE(11295) for the Applicant(s) No. 1,1.1,1.2,1.3

MR. ADITYA PATHAK for the Opponent(s) No. 6, 7, 8

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 20/04/2026

ORAL ORDER

The present application has been preferred by the applicants seeking restoration of the matter, being Misc. Civil Application No. 37703 of 2025, which came to be dismissed for default on account of want of prosecution.

Heard learned advocate Mr. Himansh J. Japee for the applicants and learned AGP Mr. Aditya Pathak for opponents.

Having considered the submissions canvassed by the learned advocates appearing for the respective parties and considering the fact that the main matter came to be dismissed for default for want of prosecution, this Court is of the view that the applicants have made out a case for restoration of the

petition. Hence, the present application deserves to be allowed.

The application is, therefore, **allowed**. The matter being Misc. Civil Application No. 37703 of 2025 is hereby restored to its original file.

Learned advocate appearing for the applicant has tendered a draft amendment. The amendment is allowed in terms of the draft. The same shall be carried out forthwith.

GARVITA

(DIVYESH A. JOSHI,J)