

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SECOND APPEAL NO. 70 of 2018
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2018
In
R/SECOND APPEAL NO. 70 of 2018

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ABAMIYA KASAMALI SAIYED

Versus

MUHAMMAD SIDDIQ IBRAHIM MEMON & 1 other(s)

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Appearance:

MR MAKBUL I MANSURI(2694) for the Appellant(s) No.

1,1.1,1.2,1.3,1.4,1.5

NOTICE UNSERVED for the Respondent(s) No. 1,2

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CORAM: HONOURABLE MR. JUSTICE HEMANT M.
PRACHCHHAK

Date : 04/10/2022

ORAL ORDER

1. On 19.11.2019, this Court (Coram: Hon'ble Mr. Justice G. R. Udhwani) passed the following order:

"Notice has remained unserved upon the opponents No.1 and 2. It is stated that an execution petition has been filed by the said opponents in Regular Civil Suit No.1 of 2018 in the court of Principal Senior Civil Judge, Bhanvad. At the request of the learned counsel for the appellant, permission is granted to serve the said

opponents on the record of the execution proceedings. For that purpose, fresh notice is issued returnable after six weeks."

2. It appears that earlier when the notice was issued to the respondents, they have refused to accept the same and, therefore, on 19.11.2019 this Court permitted the appellants to serve the respondents through the Executing Court. But till date, no report of the Executing Court come in record of this Court whether the notice is served upon the respondents or not. Registry is directed to call for the report from the concerned Executing Court regarding the service of notice to the concerned respondents. The report of which shall be reached to this Court on or before 25th November 2022. The matter is adjourned to **28th November 2022**.

3. In the meanwhile, the interim relief, if any, granted by the Appellate Court is continued till the next date of hearing.

(HEMANT M. PRACHCHAK,J)

V.R. PANCHAL