

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SECOND APPEAL NO. 248 of 2026**

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TEMINABEN SAIFUDDINBHAI RANAPURWALA & ORS.

Versus

SIRAJBHAI SADEKALI RANARPURWALA & ORS.

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Appearance:

MR MAHINKHAN H PATHAN(13814) for the Appellant(s) No. 1,2,3

MR. ADIT V PANCHOLI(14657) for the Appellant(s) No. 1,2,3

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**CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

**Date : 22/06/2026**

**ORAL ORDER**

1. Heard Mr.Adit Pancholi, learned advocate for the appellants.

2. At the outset, Mr.Pancholi, learned advocate would submit that neither proper point of determination was framed by the Appellate Court as per Order 14 Rule 31 of the Code of Civil Procedure, 1908 nor any independent finding was recorded by the Appellate Court while confirming the judgment and decree passed by the Trial Court, rather it only reproduced the finding recorded by the Trial Court in its impugned judgment.

2.1 Mr.Pancholi, learned advocate would submit that the impugned judgment and decree may be quashed and set aside and the matter may be remanded back to the Trial Court for re-hearing of the appeal afresh.

3. Having heard Mr.Pancholi, learned advocate for the appellants and upon perusal of the impugned judgment and

decree passed by the Appellate Court, *prima facie*, it appears that the Appellate Court has not recorded its independent finding while confirming the judgment and decree passed by the Trial Court. Accordingly, the matter requires deliberation.

4. Issue **Notice for final disposal**, returnable on **27.07.2026**. List on the top of the board.
5. Direct service is permitted.

GAURAV J THAKER

**(MAULIK J. SHELAT, J)**