

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 335 of 2025**

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SANGITABEN NARENDRABHAI PATEL & ANR.

Versus

GHANSHYAMBHAI RAVJIBHAI PATEL & ORS.

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Appearance:

MR HET N SHAH(11211) for the Applicant(s) No. 1,2

MR SP MAJMUDAR(3456) for the Applicant(s) No. 1,2

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER**Date : 17/04/2025****ORAL ORDER**

1. The present petition has been filed challenging the order passed below Exh.9 dated 01.03.2025 whereby the Principal Civil Judge, Anklaav has rejected the application filed under the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908 ('CPC', for short).

2. Learned advocate for the petitioner has submitted that looking to the plaint and documents annexed with the plaint, the plaint is barred by law and there is no cause of action for the plaintiff to file the present suit. Learned advocate has also drawn attention of the Court to the fact that the plaintiff has filed the present suit on the ground that the suit property that has been purchased by husband of defendant no.1 viz. Narendrabhai Ravjibhai Patel is found to have been purchased from the income that has been derived by late Narendrabhai from the ancestral properties and the plaintiff being the brother of late Narendrabhai has right in the property.

3. Narendrabhai Ravjibhai Patel has expired on 14.09.2020 and the plaintiff has categorically stated in the plaint that the sale-deed that has been executed is in favour of Narendrabhai Ravjibhai Patel on 06.08.2008 and the plaintiff has not challenged the said sale-deed. It has been argued that defendant no.1 is wife of deceased Narendrabhai Ravjibhai Patel and the said fact has also been noted by the trial Court while deciding the application filed under Guardian and Wards Act being Miscellaneous Guardian Application No.11 of 2009 wherein the Court has stated that deceased Narendrabhai and defendant no.1 have married on 06.03.2003. It has also been argued that the sale-deed has been executed in favour of Narendrabhai in the year 2008 and suit that has been filed in the year 2024 and, therefore, suit is hopelessly time barred.

4. Having heard learned advocates for the parties and looking to the fact that plaintiff is in knowledge of sale-deed that has been executed in favour of Narendrabhai Ravjibhai Patel on 06.08.2008 which is not challenged, issue **Notice** returnable on 06.05.2025. Interim relief in terms of para:13(B) is granted till the next date of hearing. Direct service is permitted.

(SANJEEV J.THAKER,J)

MISHRA AMIT V.