

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 160 of 2024**

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RAMUBHAI MANCHHARAM PATEL & ORS.

Versus

DHANSUKHBHAI AMRUTBHAI PATEL & ORS.

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Appearance:

MR GM JOSHI SR.ADV. WITH MR MANAN MAHETA (6037) WITH MS
POONAM M MAHETA(11265) for the Applicant(s) No. 1,2,3
for the Opponent(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,3,4,5,6,7,8,9

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 25/04/2024****ORAL ORDER**

1. Heard Mr.G.M. Joshi, learned Senior Counsel appearing with Mr.Manan Maheta and Ms.Poonam Maheta, learned advocates for the applicants.

2. Mr.Joshi, learned Senior Counsel submitted that the applicants herein are constrained to approach this Court, being aggrieved and dissatisfied by the impugned order dated 07.02.2024 passed below exh.23 in Regular Civil Suit No.65 of 2017, rejecting the application under Order 7 Rule 11 of the Code of Civil Procedure filed by the applicants herein. While filing the said application below Order 7 Rule 11 below exh.23, it was the case of the applicants herein that for the prayers, as prayed for, in the said suit being Regular Civil Suit No.65 of 2017, the remedy lies, challenging the earlier judgment/decreed dated 01.07.2017 passed in Special Civil Suit No.55 of 2005, either by filing an appeal or raising appropriate contentions in the execution petition. The present suit is filed to quash and set aside the judgment and decree dated 01.07.2017

passed in Special Civil Suit No.55 of 2005. The same was considered and it was held by the competent Court that the aforesaid raises triable issue.

3. Issue notice, making it returnable on 03.07.2024.

4. In the meantime, the proceedings of Regular Civil Suit No.65 of 2017 are directed not to be proceeded with till the next returnable date. Direct service is permitted.

Hitesh

(VAIBHAVI D. NANAVATI,J)