

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1402 of 2026**

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MUKESHKUMAR GOVINDBHAI PATEL**Versus****GOVINDBHAI MATHURBHAI PATEL & ORS.**

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Appearance:**JUCKY LUCKY CHAN(8033) for the Appellant(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE BHARGAV D. KARIA**and****HONOURABLE MR.JUSTICE L. S. PIRZADA****Date : 29/04/2026****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE BHARGAV D. KARIA)**

1. Heard learned advocate Mr.Jucky Lucky Chan for the appellant.

2. This appeal is filed, being aggrieved by the order dated 09.02.2026 passed by the learned 3rd Additional Senior Civil Judge, Gandhinagar below Exh.16 in Special Civil Suit No.59 of 2024, rejecting the plaint under Order VII Rule 11 (a) and 11(d) of the Code of Civil Procedure, 1908.

3. It is the case of the appellant – original plaintiff that the registered sale deed was executed in respect of the suit property situated at Sub-Plot No.96/2, Koba, Gandhinagar on 25.07.2019 with the respondent Nos.1 to 5 as the co-owners along with the appellant in favour of the original defendant No.6. It appears that the sale deed was executed by the appellant along with the respondent Nos.1 to 5 – other co-owners for a total consideration of Rs.2,40,00,000/-. It is the case of the appellant that over and above the sale consideration received by him, the Memorandum of

Understanding was executed for payment of Rs.25,00,000/- to the appellant for obtaining the No Objection from his wife and daughter. As the respondent Nos.6 and 6.1, did not pay the amount of Rs.25,00,000/-, the appellant has preferred Special Civil Suit No.59 of 2024 in the Court of learned 3rd Additional Senior Civil Judge, Gandhinagar.

4. On perusal of the averments made in the plaint as well as the Memorandum of Understanding executed between the appellant and the respondent No.6, it appears that the Memorandum of Understanding is for payment of the additional amount than the sale consideration to the appellant, which is allegedly not paid by the respondent No.6 to the appellant.

5. Considering the above submissions, issue notice to the respondents, returnable on 16.06.2026, to place on record as to whether the respondent No.6 was required to pay such additional amount of Rs.25,00,000/- to each of the co-owner, over and above the sale consideration of Rs.2,40,00,000/-.

6. The respondent Nos.1 to 5 are directed to file affidavit to that effect.

(BHARGAV D. KARIA, J)

(L. S. PIRZADA, J)

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