

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL REVISION APPLICATION NO. 389 of 2025**

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THAKOR AMRATBEN GANESHBHAI & ORS.

Versus

HEIRS OF DECD. MANGUBEN D/O MOHANJI THAKOR & ORS.

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Appearance:

MR VIKRAM J THAKOR(2221) for the Applicant(s) No. 1,2,3,4,5,6,7,8

ROBIN PRASAD(9344) for the Applicant(s) No. 1,2,3,4,5,6,7,8

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CORAM: HONOURABLE MR. JUSTICE SANJEEV J. THAKER

Date : 06/05/2025

ORAL ORDER

The present Revision Application has been filed challenging the order passed by Additional Senior Civil Judge, Kalol in Regular Civil Suit No.20 of 2022, wherein by an order dated 18.02.2025, the application filed below Exhibit-12 under the provisions of Order VII Rule 11 of the Code of Civil Procedure has been rejected.

Learned advocate for the petitioner has drawn attention of this Court to the plaint that has been filed and the said suit having been filed by the heirs of Manguben and Jitaben against their maternal uncle Ganeshbhai with respect to the property that belongs to plaintiff's grand father and father of defendant No.1 – Mohanji who has expired on 30.12.1969. It is the case of the plaintiff that it is only in the year 2020 they came to know that the rights of plaintiffs has been removed from the revenue record, therefore, the suit has been filed for a claim in the property. It is the case of the petitioner that by an Entry No.184 on 14.03.1970 wherein it has been stated that the mother of the plaintiffs Jitaben and Manguben have relinquished their right in

the suit property in favour of their brother i.e. the defendant No.1 and during the lifetime of Jitaben and Manguben, they have never challenged the said entry and raised their claim in the suit property, and therefore, it has been argued that the trial Court could not have rejected the application filed under Order VII Rule 11 of the Code of Civil Procedure as the plaint is obviously time barred.

Having heard learned advocate for the petitioner and after taking into consideration the plaint and the documents annexed with the plaint, the fact remains that on 14.03.1970, the daughter of Mohanji i.e. mother of plaintiff No.1 and 2 have relinquished their rights and a mutation entry to that effect has already been entered in the revenue record on 14.03.1970 and it has come on record that Manguben has expired before 47 years and the Death Certificate of Jitaben states that the Jitaben expired on 10.10.1998 and during their life time they have neither challenged the said revenue entry nor claimed any right in the property after the death of Mohanji. In view of the said, present matter requires consideration.

Hence, **Notice** returnable on **24th June, 2025**. In the meantime, relief in terms of paragraph No.13(C) is granted till the next date. Direct service is permitted.

(SANJEEV J.THAKER,J)

Manoj Kumar Rai