

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1950 of 2018****With
CIVIL APPLICATION NO. 1 of 2018**

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AMRISHBHAI VITTHALBHAI PATEL

Versus

PRAVINBHAI MAGANBHAI AMIN

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Appearance:

MR MANTHAN K BHATT(6549) for the PETITIONER(s) No. 1
for the RESPONDENT(s) No. 1,2,3,4,5

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CORAM: **HONOURABLE MR.JUSTICE J.B.PARDIWALA****Date : 26/06/2018****ORAL ORDER****FIRST APPEAL NO. 1950 of 2018**

1. This appeal under Section 96 of the CPC is at the instance of the original defendant No.3 and is directed against judgment, order and decree of specific performance passed by the Ld. 7th Additional Senior Civil Judge and Additional Chief Judicial Magistrate, Vadodara dated 08.03.2018 in Special Civil Suit No. 350/2002. The appellant herein – original defendant No.3 is the subsequent purchaser of the suit property from the original owners i.e. the defendants Nos. 1 and 2.

2. Having heard Mr. Marshall, the learned senior counsel appearing with Mr. Manthan K. Bhatt for the appellant and

having gone through the materials on record, I am of the view that the First Appeal deserves admission.

The First Appeal is hereby ordered to be admitted.

CIVIL APPLICATION NO. 1 of 2018

1. Rule returnable on 24.07.2018.
2. By this civil application, the applicant – original appellant (defendant No.3) has prayed for relief in terms of para 19(B).
3. Having heard Mr. Marshall, the learned senior counsel appearing for the applicant and having gone through the materials on record, and having regard to the fact that the main appeal is ordered to be admitted today, I am of the view that the applicant has been able to make out a strong prima facie case to have an ad-interim order. The judgment, order and decree passed by the 7th Additional Senior Civil Judge, Vadodara in Special Civil Suit No. 350/2002 shall remain stayed from its operation, implementation and execution on the condition that the applicant shall maintain status quo as regards nature, character and possession of the property in question.

(J.B.PARDIWALA, J)

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