

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 231 of 2026**

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SHILEN K. PATEL

Versus

ISHWARBHAI BABABHAI PATEL & ORS.

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Appearance:

MR. R.D.KINARIWALA(6146) for the Applicant(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 16/04/2026**ORAL ORDER**

1. Heard learned Senior Advocate Mr. Mihir Thakore assisted by learned advocate Mr. D.P. Kinariwala, learned advocate Mr. R.D. Kinariwala and learned advocate Mr. Hard Soni for the applicant.

2. Learned Senior Advocate for the applicant submitted that the plaintiff had filed a suit for recovery of an amount of Rs.41,19,27,750/- in pursuance of memorandum of understanding, executed on 13.04.2010 and on the basis of understanding, the suit is filed in the year 2022. It is submitted that the plaintiff has not contended in the plaint that the plaintiff is the owner of the suit land. It is submitted that the suit came to be filed after considerable delay, without stating any reason as to how and in what manner the suit is within the period of limitation. It is submitted that the

application under Order VII Rule 11(a) and (d) of the Code of Civil Procedure, 1908 came to be rejected on the ground that the issue involved in the suit is a mixed question of law and facts.

3. Considering the averments made in the plaint, it appears that the plaintiff is seeking for recovery of an amount of Rs.41,19,27,750/- in pursuance of memorandum of understanding, executed on 13.04.2010 and on the basis of understanding, the suit is filed in the year 2022. According to plaintiff, an agreement is executed between plaintiff and defendant Nos. 1 and 2 with regard to the 32 plots.

4. In view of the above, issue notice, making it returnable on 23.07.2026. In the meantime, the proceedings of Special Civil Suit No. 523 of 2022 pending before the learned 6th Additional Senior Civil Judge, Ahmedabad (Rural), are hereby stayed.

(D. M. DESAI,J)

MUSKAN