

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 7900 of 2022

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AJAY KUMARBHAI TAHELYANI
Versus
VASRAMBHAI KHIMJIBHAI PATEL

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Appearance:

DARSHAN M VARANDANI(7357) for the Petitioner(s) No. 1,2,3
for the Respondent(s) No. 1,2,3,4

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CORAM: HONOURABLE DR. JUSTICE ASHOKKUMAR C. JOSHI

Date : 26/04/2022

ORAL ORDER

1. Heard learned advocate Mr. Darshan Varandani for the petitioners.

2. Learned advocate for the petitioners has drawn attention of this Court that without order under Order 6 Rule 17 of the Civil Procedure Code, the plaint is being amended, not only that after the amended the plaint is served to the defendant No. 1 and not to the defendant Nos. 2 and 3, despite the defendant Nos. 2 and 3 are also joined as parties but the amended plaint is not served to them. He also submitted that the learned trial Court has committed serious error by not passing the order but impleaded the prayer of the amendment under Order 6 Rule 17 and therefore this Court may intervene under Article 227 of the Constitution of India.

3. This Court has gone through the averments made in the petition and also considered the contentions raised by the learned advocate for the petitioner and also perused the order dated 10.01.2022 passed by the 10th Additional Senior Civil Judge,

Gandhinagar and orders below Exh. 42 and 49 but ex-facie, it appears that as such there is no order for granting or disallowing the amendment application and therefore, this matter requires consideration.

4. **Notice** for final disposal, returnable on **18.7.2022**.
5. In the meantime, the prayer in terms of Para – 9(D) is granted till the next date.
6. Direct service is permitted.

(A. C. JOSHI,J)

prk