

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

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AJAY KUMARBHAI TAHELYANI & ORS.

Versus

VASRAMBHAI KHIMJIBHAI PATEL & ORS.

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Appearance:

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

DECEASED LITIGANT for the Respondent(s) No. 1

DECEASED LITIGANT THROUGH LEGAL HEIRS/

REPRESENTATIVES for the Respondent(s) No. 4

JAIVIK UDAY BHATT(7319) for the Respondent(s) No. 2,3

MR UDAY H BHATT(6457) for the Respondent(s) No. 2,3

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

Date : 09/07/2026

ORDER

Learned advocate Mr. Bhatt appearing for the original plaintiff made a statement that he shall file the two separate applications, one under Order I Rule 10 of the Code of Civil Procedure, 1908 (hereinafter referred to as 'the Code') and another under Order VI Rule 17 of 'the Code' before the learned trial Court seeking relief to join the petitioners herein and also seeks amendment to that effect.

In view of above statement, this Court, without entering into the merits of the case, sets aside the order to join the present petitioners and consequently, also sets aside the order below Exhibit-89. Since amendment is not permitted at this juncture, without passing a specific order to join the petitioners and to amend the plaint to that effect, there cannot be an amendment in the plaint.

In view of above, the present petition is disposed of in the aforesaid terms.

Learned advocate Mr. Bhatt also submits that he shall file the applications, as stated hereinabove, before the next date of hearing in the suit.

Learned advocate appearing for the proposed parties shall remain present in the suit proceedings and shall waive the service in that applications.

Needless to say that this Court has not gone into the merits of the case and all the rights and contentions of the parties are kept open.

Raj

(J.C. DOSHI, J.)