

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/LETTERS PATENT APPEAL NO. 370 of 2026

In R/SPECIAL CIVIL APPLICATION/15498/2018

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LEENABEN SHETALBHAI SHAH

Versus

STATE OF GUJARAT & ORS.

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Appearance:

MR ANKIT SHAH(6371) for the Appellant(s) No. 1

MS HETAL PATEL, AGP for the Respondent(s) No. 1,2,3,4,5

MR JENIL M SHAH(7840) for the Respondent(s) No. 6

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CORAM:HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE

SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY

Date : 06/05/2026

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

1. Heard Ms. Prutha Bhavsar, learned advocate holding brief of Mr. Ankit Shah, learned advocate for the appellant and perused the record.

2. The appellant herein / original petitioner claims right to a portion of a joint property, jointly purchased by two brothers, on the premise that one of them, who happens to be father-in-law of the appellant, has executed a registered gift deed dated 23.04.2007, gifting his particular share occupied by him, as a result of a family settlement dated 15.09.1983.

3. It was sought to be argued by the learned advocate for

the appellant/original petitioner that the gift deed dated 23.04.2007 being a registered document and the document of conveyance of the share of the joint owner namely father-in-law of the petitioner, no objection could have been raised by the respondent No. 6, who is otherwise a recorded joint holder of the property in question.

4. On these submissions, a pointed query was raised by us as to whether notice had been sent to respondent No. 6, the recorded joint holder of the property in question, during the course of mutation proceedings before making mutation entry No. 2478 dated 30.08.2007, entering the name of the petitioner based on the gift deed dated 23.04.2007. Learned advocate for the appellant would admit that no such notice had been issued. Further, from the description of three heirs of the deceased executant of the gift deed dated 23.04.2004, from the array of parties in this appeal, it may be noted that there is nothing on record which would indicate that on the mutation application filed by the petitioner seeking for entry of her name in the Revenue records based on the gift deed dated 23.04.2007, notice had been issued to the heirs of the deceased.

5. The fact remains that the appellant is claiming right, title and interest in the property in question on the basis of a gift deed dated 23.04.2007 executed by Mr. Chandrakantbhai Mohanbhai Shah, the joint owner of the property in question, whose heirs have not been intimated about the mutation proceedings initiated at the instance of the petitioner. Apart from that, even the recorded joint owner of the property in

question namely respondent No. 6 was not put to notice. For this fact alone, we do not find any error in the decisions of the Collector, Bhavnagar and the Special Secretary Revenue Department (SSRD) in the proceedings drawn by respondent No. 6 raising objection about the mutation entry dated 30.08.2007 which stands cancelled vide order dated 25.11.2010.

6. From the above reasons, the opinion drawn by the learned Single Judge in the Paragraph No. '10' of the judgment impugned that there is nothing on record of the writ petition about any partition having ever taken place between the joint owners, cannot be said to suffer from any error of law. No infirmity can be attached to the judgment impugned.

7. The present appeal is accordingly dismissed being devoid of merits. However, liberty rests with the appellant to avail Civil remedy as may be available in law. It is clarified that the present proceedings arising out of mutation entry will have no bearing on any substantive claims of the appellant/petitioner before the competent Court of law. It is also clarified that none of the decisions against the appellant rendered in the mutation proceedings will have any bearing in Civil proceedings which shall have to be independently conducted by the competent Court when approached.

(SUNITA AGARWAL, CJ)

(D.N.RAY,J)

SHRIJIT PILLAI