

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1607 of 2024****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2024****In R/FIRST APPEAL NO. 1607 of 2024****With****R/FIRST APPEAL NO. 2590 of 2024****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2024****In R/FIRST APPEAL NO. 2590 of 2024**

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SHARMILABEN BHAGATSINH GANAVA & ORS.**Versus****SHAIKH ISHAKBHAI AHMADBHAI & ORS.**

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Appearance:**MR V Z BHARDA(12667) for the Appellant(s) No. 1,2,3,4,5****YAGNESHKUMAR S JOSHI(8074) for the Appellant(s) No. 1,2,3,4,5****MASUMI V NANA VATY(9321) for the Defendant(s) No. 5****MR VIBHUTI NANA VATI(513) for the Defendant(s) No. 5****MR. ALKESH N SHAH(3749) for the Defendant(s) No. 3****NOTICE SERVED BY DS for the Defendant(s) No. 1,2,4**

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE**Date : 01/09/2025****ORAL ORDER**

1. Learned advocate appearing for the appellants has invited my attention to the order dated 19.02.2025 passed by the Hon'ble Division Bench of this Court in First Appeal No.1931 of 2017, which arises out of an application seeking Succession Certificate, which was ruled out against the heirs of the appellants therein. It is further submitted that Regular Civil Appeal No.14 of 2017 preferred by the present respondents, is pending consideration before the first

Appellate Court i.e. District Court, Dahod, which is substantially heard, and is notified on 12.09.2025 for final arguments. He has, therefore, objected to any orders of disbursement being passed in favour of the present respondents, and has urged this Court to stay the impugned judgment and award passed by the Tribunal.

2. Learned advocate Mr. Hakim appearing for the contesting respondent has vehemently objected to the aforesaid submissions, and has sought clarification from this Court that there is no stay operating against the proceedings pending consideration before the first Appellate Court i.e. District Court, Dahod, as the present appellants are seeking adjournments in the aforesaid proceedings solely on the ground that the present appeal is pending consideration, wherein interim relief has been granted.

3. Considering the aforesaid submissions of learned advocates for the respective parties, since substantial proceedings, wherein the core issue with regard to Succession Certificate, is pending consideration before the first Appellate Court i.e. District Court, Dahod, the matter is adjourned to **15.09.2025**.

4. Interim relief, granted earlier, to continue till then.

(NISHA M. THAKORE,J)

SUYASH SRIVASTAVA/ SFS/01/09