

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 179 of 2024****LAKHMBIBEN SHIVJI SANGAR & ANR.****Versus****LHR OF DECD SIDDHIQUE IBRAHIM HINGORA & ORS.****Appearance:****MR MEHUL SHARAD SHAH(773) for the Applicant(s) No. 1,2****NOTICE SERVED BY DS for the Opponent(s) No. 4,5****REFUSED SERVED (N)(10) for the Opponent(s) No.****1.1,1.2,1.3,1.4,2.1,2.2,2.3,2.4,2.5,2.6,2.7,3****CORAM: HONOURABLE MR. JUSTICE DIVYESH A. JOSHI****Date : 26/11/2024****ORAL ORDER**

1] On 02.05.2024, the Coordinate Bench of this Court has passed the following order.

1. *Heard Mr. Mehul Sharad Shah, the learned advocate appearing for the applicants.*

2. *It is the case of the applicants that the applicant herein are constrained to approach this Court challenging the impugned order dated 9.4.2024 passed by the learned Principal Senior Civil Judge, Nalia-Kutchh below Ex.13 in Regular Civil Suit No.19 of 2024 whereby the application of the present applicants seeking rejection of the plaint under Order-VII Rule 11 of the Civil Procedure Code has been rejected.*

2. *Mr. Shah, the learned advocate further submitted that the prayers in the present suit with respect to cancellation of Entry which are mutated in the Survey No.28 that, no subsequent rights of third party be created as the land in question is ancestral land and in view thereof, it is claimed that the plaintiff is in possession of the land.*

3. *Mr. Shah, the learned advocate submitted that while referring to the Sale Deed that is entered into between the plaintiff in the plaint whereby the original plaintiff has sold the land to the applicants herein by Registered Sale Deed dated 16.7.2012, the same is not challenged. Placing reliance on the recital in the plaint, it is submitted the same is without any cause of action.*

4. *Issue notice making it returnable on 18.7.2024. In the interest of justice, the suit proceedings being Regular Civil Suit No.19 of 2024 pending before learned Principal Senior Civil Judge, Nalia-Kutchh are*

directed not to be acted upon till the next returnable date. Direct service is permitted.

2] It is found from the record that though notice issued by this Court has already been duly served to the respondents, they have chosen not to appear and contest the revision application.

3] Considering the above stated factual aspect that at the time of institution of the present revision application, applicants have been protected. Hence, there is a merit in the matter and matter is required to be entertained.

4] Hence, issue **RULE** making it returnable on **31/01/2025**. Ad-interim relief, granted earlier, to continue till then.

(DIVYESH A. JOSHI,J)

VVM