

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 386 of 2025**

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UMABEN BHAVINBHAI PATEL & ANR.

Versus

BHUPENDRA SHANTILAL SHAH

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Appearance:

MR ANSHIN DESAI WITH VENU H NANAVATY(7458) for the Applicant(s)

No. 1,2

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CORAM: HONOURABLE MR.JUSTICE SANJEEV J.THAKER**Date : 06/05/2025****ORAL ORDER**

1. The present Civil Revision Application has been filed challenging the order passed below exhibit 13 whereby the 21st Additional Senior Civil Judge, Vadodara has rejected the application under Order VII Rule 11 of the Code of Civil Procedure, 1908 in Special Civil Suit No.111 of 2023.
2. Learned Senior Advocate Mr.Anshin Desai for the petitioner has drawn attention of this Court to the plaint filed in Special Civil Suit No.111 of 2023, wherein the plaintiff has sought for specific performance agreement entered into between the parties on 20.10.2016 and at para no.8 of the plaint, the plaintiff had stated on 15.09.2018 and defendants cancelled/ revoked the contract on 20.10.2016 and therefore it has been argued that the period of limitation would start from

15.09.2018 i.e. the date when the defendant had cancelled the said agreement dated 20.10.2016. It has also been argued that the Trial Court while deciding an application under Order VII Rule 11 of the Code of Civil Procedure, 1908 has taken into consideration the fact of the settlement that has been arrived at between the parties of the Civil Suit No.494 of 2013, in that view of the matter, it has been stated that the Trial Court could not have rejected the said application.

3. Having heard learned advocate for the petitioner and having taken into consideration the plaint and the order that has been passed below exhibit 13, the fact remains that the suit that has been filed by the plaintiff is with respect to an agreement to specific performance that has been executed on 20.10.2016 and the plaintiff has in the plaint stated that on 15.09.2018 the defendants had cancelled the said agreement dated 20.10.2016 and therefore the first cause of action as arisen on 15.09.2018 when the defendant had refused the performance of agreement dated 20.10.2016.

4. In view of the said fact, the present matter requires consideration. Issue **Notice** returnable on **24.06.2025**. In the meantime, interim relief is granted in terms of para no.19(C)(i) till the next date of hearing.

(SANJEEV J.THAKER,J)

URIL RANA