

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6126 of 2026**

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ROHITBHAI GOVINDBHAI MACHHI

Versus

CHANDRAKANT NATVARBHAI PATEL & ORS.

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Appearance:

MS HASMEET B GILL(11870) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 29/04/2026****ORAL ORDER**

1. Heard learned advocate Ms. Hasmeet B. Gill for petitioner. Perused the record.
2. Learned advocate for the petitioner submitted that the suit of the present petitioner was decreed on 16.9.2021 and, thereafter, an application under Order 9 – Rule 12 of the Code of Civil Procedure, 1908 came to be filed by the defendant which also came to be rejected by the learned trial Court vide order dated 6.4.2023. Thereafter, the respondent herein filed Civil Misc. Application challenging the said order in the year 2024 with an application for condonation of delay of 319 days. It is further submitted that a reason assigned in the application is medical ground, however, there is no evidence produced by the respondent to substantiate the cause of delay. The learned trial Court without assigning any reason, allowed the said application. It is submitted that before challenging the order dated 6.4.2023, a public notice was published by the original defendant in the year 2023.
3. Considering the aforesaid facts and the submissions

canvassed by learned advocate for the petitioner, moreover, considering the impugned order, this Court is of the opinion that the issue raised by the petitioner requires consideration. Hence, Rule. In the meantime, there shall be ad-interim relief in terms of paragraph No.6(B).

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(D. M. DESAI,J)