

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 376 of 2025**

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BHANUBEN WD/O DAHYABHAI JINABHAI PATEL & ORS.

Versus

NARANBHAI BABUBHAI ALIAS BRIJMOHAN TRIVEDI (DECD) & ANR.

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Appearance:

MR ASPI M KAPADIA(1865) for the Applicant(s) No. 1,2,3,4,5

MR KAIZAD A KAPADIA(12168) for the Applicant(s) No. 1,2,3,4,5

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER

Date : 01/05/2025

ORAL ORDER

1. The present application has been filed challenging the order dated 01.02.2025 passed in Special Civil Suit No.362 of 2017 whereby the Principal Senior Civil Judge, Kathor, Dist.Surat has rejected the application Exh.56 filed under the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908.

2. Learned advocate for the petitioner has drawn attention of the Court to the plaint that has been filed and has argued that the petitioner has challenged the sale-deed executed on 30.06.1982 whereby the suit property has been sold in favour of the defendants. Learned advocate for the petitioner has stated that registered sale-deed is a deemed knowledge and also argued that the suit that has been filed by the plaintiff is barred by law as the same is beyond period of limitation.

3. Learned advocate for the petitioner has also drawn attention fo

the Court to the fact that plaintiff himself has mentioned that plaintiff did not have possession of the property and no details of the date has been mentioned. Learned advocate for the petitioner has also argued that no particular of the fraud has been stated by the plaintiff in the plaint. Learned advocate for the petitioner, under the instructions, has stated that suit is at the stage of framing the issues and the issues are not framed.

4. Having heard learned advocate for the petitioner and having considered the plaint, fact remains that suit is filed in the year 2013 challenging the sale-deed that has been executed by the plaintiff in the year 1982 and the plaintiff has also not given any particular about the date on which the possession of the property was taken over by the defendants. In view of the same, matter requires consideration. Hence, Notice returnable on 16.06.2025. In the meantime, interim relief, in terms of para:16(b) is granted till the next date of hearing.

(SANJEEV J.THAKER,J)

MISHRA AMIT V.