

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 376 of 2025****BHANUBEN WD/O DAHYABHAI JINABHAI PATEL & ORS.****Versus****NARANBHAI BABUBHAI ALIAS BRIJMOHAN TRIVEDI (DECD) & ANR.****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****BHAVYARAJ K GOHIL(8806) for the Opponent(s) No. 2****MR TULSHI R SAVANI(3070) for the Opponent(s) No. 1****CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI****Date : 24/03/2026****ORAL ORDER**

1. Heard learned advocate Mr. Aspi M. Kapadia for the applicants and learned advocate Mr. H.A. Rathod for learned advocate Mr. B.K. Gohil for the respondent No.2.

2. Learned advocate for the applicants has placed on record Kabulatnama dated 03.03.2026, which is taken on record. It is submitted by learned advocate for the applicants that pursuant to the order dated 01.05.2025 passed by the Co-ordinate Bench of this Court, the further proceedings of the Special Civil Suit No.362 of 2017 have been stayed. It is further submitted that during the pendency of the proceedings, parties have amicably arrived at a settlement and a registered Kabulatnama dated

03.03.2026 has been executed between the plaintiffs and defendant. It is further submitted that pursuant to this registered Kabulatnama agreement dated 03.03.2026, plaintiffs have agreed to withdraw the said suit. However, because of the order passed by the Co-ordinate Bench of this Court, the proceedings of the suit are stayed. It is therefore, submitted that order granting stay of the entire proceedings be modified to the effect that learned trial Court may accept the compromise which will be placed before the learned trial Court and dispose of the suit in accordance with the consent terms.

3. *Per contra*, learned advocate Mr. H.A. Rathod for learned advocate Mr. B.K. Gohil for the respondent No.2, upon instructions, has submitted that defendant has no objection if the order dated 01.05.2025 is modified and both the parties are permitted to place on record the compromise pursis.

4. In view of the above submissions made by learned advocates for the parties, the order dated 01.05.2025 passed by

the Co-ordinate Bench of this Court staying the proceedings of Special Civil Suit No.362 of 2017 is modified to the effect that learned trial Court shall accept the compromise pursis which may be filed by parties before learned trial Court. Upon presenting the consent terms, the learned trial Court shall apply its mind and pass appropriate order accordingly. Rest of the aforesaid order dated 01.05.2025 shall remain in force.

Stand over to 16.04.2026.

RINKU MALI

(D. M. DESAI,J)