

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/APPEAL FROM ORDER NO. 212 of 2024**

With

**CIVIL APPLICATION (FOR STAY) NO. 1 of 2024
In R/APPEAL FROM ORDER NO. 212 of 2024**

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HEMALKUMAR ARVINDBHAI BHOJAK

Versus

VIPUL AMRUTBHAI PATEL

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Appearance:

MR AMIT N PATEL(2749) for the Appellant(s) No. 1

NOTICE SERVED for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 01/05/2025

ORAL ORDER

Heard learned advocate Mr.Amit Patel for the appellant.

2. On 21/03/2025, this Court has passed the following order:

“1. Learned advocate Mr. Kuldip Solanki states that he has instructions to appears on behalf of the respondent. He seeks time to file his Vakalatnama. Registry to accept the same and place it on record.

2. Stand over to 01.05.2025.”

3. Today, when the matter is called out, none remained present for the respondent and it appears that Mr.Solanki has not filed VP on behalf of respondent.

4. Heard the learned advocate for the appellant. This Court while issuing Notice as per order dated 07/02/2025 has observed in paragraph 4

thus:

“4. It appears from the plain reading of the copy of the plaint that neither the plaintiff nor the defendant, as on date, is holding the title over the suit property. In such a situation, prima facie, I am of the view that the order of status quo ought to have been granted by the trial court, as it is a settled legal position that no one should be disturbed in possession without recourse to law. It is also required to be noted here that the defendant has now filed a suit being 522 of 2024, seeking declaration and possession of the aforesaid suit property, which would be an additional factor in favor of the appellant, thereby requiring his possession to be protected till the disposal of the respective suit.”

Hence, the appeal is admitted.

ORDER IN CA No.1 of 2024:

Considering the facts and circumstances and the observations made by this Court while granting ad-interim-relief, more particularly, paragraph 3 and 4, the ad-interim-relief granted by this Court is hereby confirmed till the final disposal of the appeal. Accordingly, the Civil application is disposed of.

(MAULIK J.SHELAT,J)

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Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANISHKUMAR JYOTINDRA SOMPURA(HC00189), Principal Pvt. Secretary, at High Court of Gujarat on 03/05/2025 10:58:51