

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 6319 of 2025**

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NITIN NAROTTAMBHAI MISTRY

Versus

DHANUBEN RAMANLAL BHAKTA & ANR.

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Appearance:

MR DAXESH D BAROT(13149) for the Petitioner(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 06/05/2025****ORAL ORDER**

1. Heard learned advocate Mr.Daxesh D. Barot appearing for the petitioner.
2. At the outset, learned advocate Mr.Barot would submit that instead of filing an appeal from order, inadvertently, the petitioner preferred the present application under Article 226 of the Constitution of India. So, under the instruction of his client, he does not press the present application with liberty to file appropriate Appeal from Order under Order XLIII Rule 1 of Civil Procedure Code, 1908 before the appropriate court.
3. Considering the request made and as such, an alternative statutory remedy is available to the petitioner to file appeal

from order, permission as sought for is granted.

4. It is made clear that this Court has neither gone into nor examined the merits of the matter.

5. With the aforesaid observation, the present petition is disposed of as withdrawn. No order as to costs.

6. Registry shall return the certified copy of impugned application and impugned order to the learned advocate of the petitioner by replacing its Xerox copy on record.

(MAULIK J.SHELAT,J)

MOHD MONIS

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: MOHD MONIS(HC01900), PRIVATE SECRETARY, at High Court of Gujarat on 06/05/2025 17:30:59