

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 9481 of 2026

=====

BALUBHAI ALABHAI KARAVADARA
Versus
MER RAJUBHAI SARMANBHAI KARAVADARA & ORS.

=====

Appearance:

MR V D RUPAREL FOR MR ASHISH M DAGLI(2203) for the
Petitioner(s) No. 1

MR JAY TRIVEDI, AGP for the Respondent(s) No. 3,4

=====

CORAM: HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 16/07/2026

ORAL ORDER

Learned Advocate Mr. Ruparel, appearing for Learned Advocate Mr. Ashish M. Dagli for the petitioner, submitted that the petitioner had instituted a civil suit before the competent Civil Court against the private respondents, wherein notice was duly issued and served upon them. It was contended that immediately upon receipt of such notice, the private respondents instituted proceedings under the provisions of the Mamlatdars' Courts Act before the concerned Mamlatdar by deliberately suppressing the material fact that, on the same cause of action and in respect of the same subject matter, the petitioner had already instituted a civil suit before the competent Civil Court.

Learned counsel further submitted that, pursuant to the institution of the said proceedings, notice was issued to the petitioner, who appeared before the learned Mamlatdar and placed on record all relevant documents setting out the entire sequence of events. The petitioner specifically pointed out that he had first approached the competent Civil Court in respect of the same dispute and that the Civil Court had already granted an order directing the parties to maintain status quo.

Learned counsel further submitted that, upon considering the petitioner's submissions and the material placed on record, the learned Mamlatdar recorded a finding that the dispute pending before him was already *sub judice* before the competent Civil Court. Despite recording such a finding, the learned Mamlatdar ultimately allowed the proceedings instituted by the private respondents, while observing that the order would remain subject to the final outcome of the civil suit pending before the competent Civil Court.

Learned counsel Mr. Ruparel further submitted that in fact the order of status quo granted by the concerned Court has been challenged before the Appellate Court and ultimately the order granting status quo has been overturned by the learned

Appellate Court. Therefore, being aggrieved by the said decision, one writ petition was preferred before this Court, wherein, stay was granted. He submitted that thus the order of status quo was remained in operation till the final disposal of the suit. Thereafter, the competent Civil Court proceeded further with the matter and ultimately suit came to be dismissed. Therefore, an appeal was preferred and along with the said appeal, a separate application for stay was also preferred. However, the said application of stay has not been entertained by the Appellate Court.

Learned counsel further submitted that as soon as the said fact has come to the notice of the respondents, immediately, they preferred an application before the Mamlatdar for execution of order of the Mamlatdar. Based upon that application, a show cause notice came to be issued by the Mamlatdar concerned to the petitioner. Learned counsel submitted that the appeal preferred by the petitioner, challenging the order of the learned Trial Court, is still pending before the Appellate Court and law is well settled that appeal is a continuous proceeding of the suit. Therefore, unless and until the appeal is finally adjudicated by the learned Appellate Court, the revenue authority lacks jurisdiction to entertain or proceed with any application seeking execution of the order passed by

the learned Mamlatdar.

In view of the aforesaid submissions canvassed by learned counsel for the petitioner, the petition deserves consideration. Accordingly, issue notice to the respondents, making it returnable on 08.09.2026. In the meantime, ad-interim relief in terms of para 8(E) is granted.

(DIVYESH A. JOSHI,J)

LAVKUMAR J JANI