

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 330 of 2026**

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LH OF GORDHANBHAI MATHURBHAI PATEL AASITBHAI
GORDHANBHAI PATEL

Versus

NILABEN SOMABHAI PATEL & ORS.

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Appearance:

MR MEHUL SHAH, SENIOR ADVOCATE WITH JENIL M
SHAH(7840) for the Applicant(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J. SHELAT

Date : 19/06/2026
ORAL ORDER

1. Heard Mr. Mehul Shah, learned Senior Advocate with Mr. Jenil Shah, learned advocate for the petitioner.

2. Mr. Shah, learned Senior Advocate would submit that a bare reading of the plaint would clearly indicate that the plaintiffs were aware about the factum of the claim of ownership by the defendant in the revenue proceedings instituted by their predecessors in the year 2007, whereas the suit seeking declaratory relief of ownership filed by them in the year 2016, which is *ex facie* time barred.

2.1 It is submitted that as per Article 58 of the Limitation Act, when the right to sue first accrue in favour of the plaintiffs, within a period of three years from such date, they ought to have filed the suit.

2.2 It is further submitted that once no declaratory relief can be granted by the Court as suit is time barred, other consequential relief prayed in the suit cannot be granted.

3. Having heard Mr.Shah, learned Senior Advocate for the petitioner, *prima facie*, there are some arguable points canvassed before this Court which requires deliberation.

4. In view of the aforesaid, issue **Notice for final disposal**, returnable on **23.07.2026**. It is open for the petitioner to request for priority.

5. Direct service is permitted.

GAURAV J THAKER

(MAULIK J. SHELAT, J)