

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2188 of 2003****With****CIVIL APPLICATION (FOR PRODUCTION OF ADDITIONAL EVIDENCES)****NO. 1 of 2024****In R/FIRST APPEAL NO. 2188 of 2003****With****R/APPEAL FROM ORDER NO. 96 of 2004****With****CIVIL APPLICATION (FOR DIRECTION) NO. 2 of 2004****In R/APPEAL FROM ORDER NO. 96 of 2004**

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MANOJ RASIKLAL SHAH & ORS.

Versus

BEHRAAMJI RUSTOMJI MEHTA & ANR.

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Appearance:

ADVOCATE NOTICE UNSERVED for the Appellant(s) No. 1

DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES
for the Appellant(s) No. 2

DELETED for the Appellant(s) No. 2.1

MR AMAR D MITHANI(484) for the Appellant(s) No. 2.2,2.3

MR ANUJ K TRIVEDI(6251) for the Defendant(s) No. 1,2

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CORAM:**HONOURABLE MRS. JUSTICE M. K. THAKKER****Date : 22/01/2026****ORAL ORDER**

1. Learned advocate Mr.Trivedi states that the statement recorded by this Court in the order dated 21.01.2026 that due to leave note and sick note of the other side the matter was not proceeded though it is pending since 2003. Learned advocate Mr. Trivedi has placed on record the case status report, which indicates that except on two occasions when leave notes and on one occasion when a sick note was filed, no other leave note or sick

note, as stated by learned advocate Mr. Mithani, was filed. It is therefore submitted that the delay in proceeding with the matter cannot be attributed to any fault on the part of learned advocate Mr. Trivedi.

2. This Court has taken cognizance of the said fact.
3. Learned advocate Mr.Mithani states at bar that he is appearing for respondent in Appeal from Order No.96 of 2004 and he would file his appearance on behalf of the respondent as he is appearing in the First Appeal as well.
4. The matter is adjourned to 28.01.2026.

M.M.MIRZA

(M. K. THAKKER,J)