

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 7849 of 2026**

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SMT. MADHUBEN VAGHJIBHAI LUNAGARIYA WIFE OF HARESHBHAI
LIMBASIYA

Versus

JAYSHREEBEN KISHORBHAI LUNAGARIYA & ORS.

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Appearance:

MR PRATIK Y JASANI(5325) for the Petitioner(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J. SHELAT

Date : 08/06/2026

ORAL ORDER

1. Heard Mr. Pratik Y. Jasani, learned Advocate for the petitioner.
2. At the outset, Mr. Jasani, learned Advocate for the petitioner, would submit that the issue germane to this petition is squarely covered by the decision of the Division Bench of this Court in the case of *Bharat Heavy Electricals Limited V/s. M/s. Ineos Styrolution Ltd., reported in 2019 (0) AIJEL-HC 241593*. It is submitted that learned Trial Court has, without appreciating

the ratio laid down by the Division Bench of this Court, mechanically partly allowed the impugned application.

3. Having heard Mr. Jasani, learned Advocate, there is some relevant point involved in this petition. *Prima facie*, it appears that while adjudicating the impugned application filed below Exh. 99 seeking witness summons by the petitioner, who happens to be the original plaintiff, learned Trial Court, without assigning any proper reasons, rejected the request of the petitioner to issue witness summons qua witnesses Nos. 2 to 5. Moreover, as per the decision of the Division Bench of this Court in the case of *Bharat Heavy Electricals (supra)*, if no case made out to reject such request, ordinarily, the Trial Court could have accepted the request of the petitioner.
4. In view of the above, Notice for final disposal, returnable on 29/06/2026. List on top of the board.

NILESH

(MAULIK J. SHELAT, J)