

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/APPEAL FROM ORDER NO. 84 of 2026****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2026****In R/APPEAL FROM ORDER NO. 84 of 2026**=====
DECEASED BALUBHAI SHANKARBHAI PATEL THROUGH HEIRS & ORS.

Versus

DECEASED HANSABEN SHANKARBHAI PATEL W/O. MAHENDRABHAI
DESAI & ORS.
=====

Appearance:

MR AS VAKIL SENIOR ADVOCATE WITH MR DHRUV K DAVE(6928) for
the Appellant(s) No. 1,1.1,1.2,1.3,1.4,1.5,2,3,4MR SHREYANG S VAYEDA(10917) for the Appellant(s) No.
1,1.1,1.2,1.3,1.4,1.5,2,3,4
=====**CORAM:HONOURABLE MR.JUSTICE L. S. PIRZADA****Date : 03/06/2026****ORAL ORDER**

1. Heard learned Senior Counsel Mr.A.S. Vakil appearing with learned advocate Mr.Dhruv K. Dave and learned advocate Mr.Shreyang S. Vayeda for the appellants.

2. The present Appeal From Order, preferred under Order 43 Rule 1(r) of the Code of Civil Procedure, is directed against the order dated 22.05.2026 passed by the learned Principal Senior Civil Judge, Vadodara in Special Civil Suit No.6 of 2026 below application exh.5, whereby, application exh.5 came to be rejected and the ex-parte ad-interim relief granted by order dated 12.01.2026 also came to be vacated.

3. Learned Senior Counsel Mr.A.S. Vakil submitted that after pronouncement of the impugned order, the present appellants - original plaintiffs have moved an application for stay of execution and operation of the order, which was also rejected by the learned trial Court. It is submitted that some findings recorded by the learned trial Court in the impugned order are in favour of the original plaintiffs and the learned trial Court has also recorded that the triable issue has been involved in the matter and in spite of that, application exh.5 has been rejected. It is further submitted that the appellants are only seeking the relief against the present respondent nos.7 and 8 - original defendant nos.7 and 8 from further alienating or transferring or dealing with the land in any manner.

4. Considering the above submissions and perusing impugned order passed by the learned trial Court, it is an admitted position that initially, at the time of institution of the suit, the ad-interim relief has been granted in favour of the original plaintiffs by order dated 12.01.2026 and subsequently, after hearing the parties, application exh.5 came to be rejected by an order dated 22.05.2026 and ad-

interim relief, which was granted earlier, came to be vacated but, stayed the execution and operation of the order passed below application exh.5.

5. Considering the above, the present Appeal From Order requires consideration and at this stage, the appellants - original plaintiffs are required to be protected.

6. Issue notice to the respondents, returnable on 15.06.2026.

7. In the meantime, the respondent nos.7 and 8 are restrained from further creating any right, title and/or interest and/or transferring, alienating, parting with, gifting, conveying, assigning or otherwise dealing with the suit property till the next date of hearing.

Direct service is permitted.

(L. S. PIRZADA, J)

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