

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SECOND APPEAL NO. 168 of 2021****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2021****In R/SECOND APPEAL NO. 168 of 2021**

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**LALABHAI KHATUBHAI VANKAR ALIAS AMIN LALITKUMAR
KHATUBHAI****Versus****KHANABHAI KHATUBHAI VANKAR DALUKHADIYA**

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Appearance:**ANSHUL N SHAH(8540) for the Appellant(s) No. 1,2,3,4****MR NILESH P SHAH(3215) for the Appellant(s) No. 1,2,3,4****for the Respondent(s) No. 1,2,3,4,4.1,5,6,6.1,6.2,6.3,6.4,7,8**

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI**Date : 26/11/2021****ORAL ORDER**

Heard Mr. Anshul N. Shah, the learned counsel appearing for the appellants-applicants.

ORDER IN SECOND APPEAL:

The following substantial questions of law arise in this Appeal for consideration of this Court:

“(I) Whether the First Appellate Court can declare a contract valid when all the essential elements of contract u/s. 10 of the Contract Act, 1872 are missing.

(II) Whether the purchaser of the co-owner's share

in an undivided joint family property can ascertain any possessory right.”

ADMIT.

Issue ***Notice*** returnable on ***20.01.2022***.

Direct service is permitted.

ORDER IN CIVIL APPLICATION:

The parties are directed to maintain status-quo with regard to the nature, character and possession of the suit property.

Issue ***Notice*** returnable on ***20.01.2022***.

Direct service is permitted.

(VAIBHAVI D. NANAVATI,J)

Pradhyuman