

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 317 of 2026**

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ASHOKKUMAR VIJAYSINH BAROT

Versus

ADM AND SONS INFRA PVT LTD & ANR.

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Appearance:

MR. JAY M THAKKAR(6677) for the Applicant(s) No. 1

MR. PR BRAHMBHATT(7005) for the Applicant(s) No. 1

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CORAM:**HONOURABLE MR.JUSTICE L. S. PIRZADA****Date : 05/06/2026****ORAL ORDER**

1. Heard learned advocate Mr.Jay M.Thakkar appearing for the applicant.
2. The present Civil Revision Application has been preferred by the present applicant – original defendant no.1 directed against the order passed by the learned Principal Senior Civil Judge, Kadi by order dated 08.05.2026 rejected the application preferred by the present applicant – original defendant no.1 under Order VII Rule 11 below Exhibit 19 in Special Civil Suit No.59 of 2025.
3. It is submitted that the present applicant – original

defendant no.1 has preferred one application under Order VII Rule 11 vide Exhibit 19 in Special Civil Suit No.59 of 2025 and the said matter was kept for hearing on 08.05.2026.

4. Further, it was submitted that on 08.05.2026 an application below Exhibit 23 was preferred by the learned advocate for the plaintiff seeking adjournment that the plaintiff wants to file reply to the application under Order VII Rule 11 and that application was allowed by the learned Trial Court on 08.05.2026, wherein, it was ordered that as the applications below Exhibit 5, Exhibit 19 and Exhibit 22 are pending and either Exhibit 19 and Exhibit 22 is to be heard on that condition or the right of the argument will be closed, the adjournment application was granted by the learned Trial Court.
5. It was submitted that thereafter, the learned Trial Court has Suo Moto taken the application below Exhibit 19, Order VII Rule 11 as without giving an opportunity to the plaintiff after the adjournment has

been granted and passed an order rejecting the application under Order VII Rule 11 and subsequently, on that day also the application to appointment of the Court Commissioner vide Exhibit 22 was allowed and date was fixed as 09.06.2026.

6. Learned advocate for the applicant draws the attention of this Court to the copy of the Rojkam and he pointed out that after 08.05.2026, again the matter was taken on Board on 11.05.2026 for the purpose of payment of the Commissioner fees and then the matter was again posted on 09.06.2026. Again on 16.05.2026, the present applicant – defendant no.1 has moved an application to take the case on Board on that day and moved an application to stay the order passed below Exhibit 22 dated 08.05.2026. The same was rejected and again the matter was posted on 09.06.2026.
7. The submission is that after the adjournment has been granted the learned Trial Court has passed an order below Exhibit 19, an application preferred by the present applicant under Order VII Rule 11 of the Code

of Civil Procedure, 1908.

8. It is submitted that earlier the suit has been filed by the plaintiff against the defendant and it came to be withdrawn unconditionally on 14.12.2024 in Special Civil Suit No.56 of 2024 and subsequently, as there was no leave granted by the Court inspite of the fact the present suit has been preferred and there is suppression of this fact in the plaint and on that ground the application under Order VII Rule 11 was given.
9. It was submitted that the matter has been kept on 09.06.2026 and no opportunity has been given to the applicant to present his case. Hence, it is requested to stay the proceeding of Special Civil Suit No.59 of 2025.
10. Considering the arguments advanced by the learned advocate appearing for the applicant, it appears from the record that on 08.05.2026, initially the Court has granted adjournment and subsequently, after the adjournment has been granted the Court has proceeded ex-parte and passed an order below Exhibit

19 and Exhibit 22. Considering the grounds stated in the application, the present Civil Revision Application requires consideration.

11. Issue notice to the respondents, returnable on 16.06.2026. In the meantime further proceeding of Special Civil Suit No.59 of 2025 is hereby stayed.

In addition to the normal mode of service, Direct Service is permitted through speed post.

DIKSHA

(L. S. PIRZADA, J)