

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/LETTERS PATENT APPEAL NO. 823 of 2013****In****R/SPECIAL CIVIL APPLICATION/3184/2004**=====

SHANTILAL MOHANLAL SHAH & ORS.

Versus

STATE OF GUJARAT & ORS.

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Appearance:

ABATED for the Appellant(s) No. 1,3.1,3.2,3.8,4.1,4.2,4.4,4.5

MR DILIP L KANOJIYA(3691) for the Appellant(s) No.

2,2.1,2.2,3,3.3,3.3.1,3.3.2,3.3.3,3.4,3.5,3.6,3.7,4,4.3

GOVERNMENT PLEADER for the Respondent(s) No. 1,2,3

=====CORAM:**HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE**
SUNITA AGARWAL

and

HONOURABLE MR.JUSTICE D.N.RAY**Date : 04/02/2026****ORAL ORDER****(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE**
SUNITA AGARWAL)

1. The present Letters Patent Appeal has been revived under the order dated 09.01.2017 passed by the Apex Court in Civil Appeal No.224-226 of 2017 (Special Leave Petition (C) Nos.32736-32738 of 2015.

2. From a perusal of the record, it is evident that the appeal stands abated insofar as appellant nos.1, 3.1, 3.2, 3.8, 4.1, 4.2, 4.4 and 4.5, by order passed on 21.06.2017 after remittal. There is no application seeking for setting aside of the

abatement.

3. For the remaining appellants, Mr. Dilip Kanojiya, learned advocate has put in appearance, who has sent a sick note today. The principal question for adjudication in this intra-court appeal is about the maintainability of the appeal being directed against the order passed by the learned Single Judge in exercise of power under Article 227 of the Constitution of India, even in view of the observations made by the Apex Court in the order of remittal dated 09.01.2017.

3. The Letters Patent Appeal itself is of the year 2013 and being more than 10 years old matter, the matter is being listed on the Wednesday board.

4. The order-sheet indicates that there is consistent sick note of Mr. Dilip L. Kanojiya, learned advocate on each date fixed since after 12.11.2025. Taking note of four previous sick notes and the the sick note filed today continuously, we post the matter on 11.02.2026 making it clear that no further sick note or leave note would be honoured and in case of absence of the learned advocate for the appellant, the matter will be decided on merits after hearing the learned advocate appearing for the other side.

(SUNITA AGARWAL, CJ.)

(D.N.RAY, J.)

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