

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CIVIL REVISION APPLICATION NO. 79 of 2016**

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RAMESHCHANDRA RATUBHAI DARJI....Applicant(s)

Versus

KASHMIRABEN SOMABHAI DARJI....Opponent(s)

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Appearance:

MR TANMAY B KARIA, ADVOCATE for the Applicant(s) No. 1

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CORAM: **HONOURABLE MR.JUSTICE R.D.KOTHARI****Date : 16/03/2016****ORAL ORDER**

1. Draft amendment is allowed.
2. Heard learned advocate Mr. Karia for the applicant.
3. Applicant claims to be aggrieved by rejection of application filed under Order 7 Rule 11 of the Civil Procedure Code.
4. Referring the facts of the case, it was pointed out that plaintiff has instituted a suit for partition. The plaintiff is a daughter of the brother of the present applicant/defendant. In view of compromise talk going on between the parties, the plaintiff has withdrawn the suit. Court has passed an order permitting to him to withdraw the suit. Thereafter, for the same relief, the plaintiff has instituted a fresh suit.

5. The plaintiff in earlier suit although has sought permission to withdraw the suit mentioning that in future if requires she would institute a fresh suit. On the condition it was withdrawn.

6. In the order granting permission to withdraw the suit, no such specific permission was granted by the Court.

7. Besides above, learned advocate has drawn attention of this Court to the judgment of this Court, rendered in case of **Arvindkumar Ratilal Punatar and Ors. V. Yogeshkumar Harilal Shah, reported in 1999(3) GCD 1920.**

8. Matter requires consideration.

9. **Notice and notice as to interim relief, returnable on 11th April, 2016.**

10. Meanwhile, ad-interim relief in terms of Para 14(B) till the next date of hearing.

(R.D.KOTHARI, J.)

BD Songara