

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**CIVIL REVISION APPLICATION NO. 112 of 2016**

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KALPATARU LAND (SURAT) PVT LTD....Applicant(s)

Versus

SAIYED KHALIDMIYAN AFZALMIYAN & 13....Opponent(s)

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Appearance:

MR ND NANAVATI, LD. SR. ADVOCATE with MR JAY KANSARA,
ADVOCATE for M/S WADIAGHANDY & CO, ADVOCATE for the
Applicant(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE R.D.KOTHARI**Date : 06/04/2016****ORAL ORDER**

Heard learned senior advocate Shri Nanavati for the applicant.

The applicant claims to be aggrieved by the rejection of *Order 7 Rule 11 of Code of Civil Procedure* application filed by the applicant. Referring the facts of the case, learned senior advocate Shri Nanavati has pointed out that in a suit instituted by the plaintiffs for setting aside the registered sale deed executed in favour of the present defendant, the defendant applied to reject the plaint and the learned trial Court, was pleased to reject the application. It was pointed out that as much as 16 sale deeds were executed in respect of 1600 Acres of land between the parties.

It was pointed out by learned senior advocate that the sale deed is executed by the owner himself and not by the Power of Attorney and

the present plaintiffs are the legal heirs of the original owners. It also appears from the impugned order that the plaintiff did not appear to contest his application.

In respect of another sale deed for which *Regular Civil Suit No. 79 of 2008* came to be instituted, the defendant has filed similar application for rejection of the plaint, which came to be allowed by the learned trial Court by order dated 18.01.2014. Against that the plaintiff has filed First Appeal being *First Appeal No. 1897 of 2014* before this Court which is pending.

In the order under challenge, the learned trial Court has at all not referred earlier order of rejection of the plaint by the co-ordinate Court.

Learned senior advocate Shri Nanavati has drawn attention to detailed cause of action mentioned in the plaint. Considering the cause of action stated by the plaintiffs and above aspect, the matter requires consideration.

Notice and **Notice** as to interim relief returnable on **03.05.2016**.

In the meanwhile, ad-interim relief in terms of para 22(d) is granted till the next date of hearing.

(R.D.KOTHARI, J.)

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