

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 277 of 2016**

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DIWALIBEN WD/O NATWARBHAI VIRABHAI LEUVA

Versus

MAHENDRABHAI AMABALAL PARMER

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Appearance:

MR.HIREN M MODI(3732) for the PETITIONER(s) No. 1,2,3,4,5,6

DS AFF.NOT FILED (N)(11) for the RESPONDENT(s) No. 2

HL PATEL ADVOCATES(2034) for the RESPONDENT(s) No. 2

MR PALAK H THAKKAR(3455) for the RESPONDENT(s) No. 3

NOTICE SERVED(4) for the RESPONDENT(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE S.G. SHAH

Date : 18/09/2018

ORAL ORDER

Registry shall verify the record to confirm that whether the report is received from the Tribunal as per order dated 20.3.2016. The appellants shall verify the service record, so as to confirm that all the respondents are properly served. The appellant shall also verify the factual details regarding service of notice upon respondent No.2 as per his disclosure in affidavit-in-reply filed in Civil Application for condonation of delay. For the purpose, the affidavit-in-reply filed by respondent No.2 in Civil Application is to be tagged with in this appeal. The appellant shall also verify the record and proceedings, which confirms that even before the Tribunal, the appellants - claimants have applied for public notice for confirming service upon such respondent No.2 by filing an

application at Exh.21 on 14.9.2004. If it is so, there is reason to believe that unserved respondent No.2 was served only by public notice, copy of which is already produced on record of trial Court. In view of such factual details, appellants shall take appropriate steps. List the matter on 15.10.2018.

(S.G. SHAH, J)

BINOY B PILLAI