

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 615 of 2016**

**With
R/FIRST APPEAL NO. 727 of 2013**

=====

JOGENDRASINH PRAHLADSINH PATEL & ANR.

**Versus
RAJESH CHINUBHAI PATEL & ORS.**

=====

Appearance:

ADVOCATE NOTICE SERVED for the Appellant(s) No. 2
ADVOCATE NOTICE UNSERVED for the Appellant(s) No. 1
MR BHARAT JANI(352) for the Defendant(s) No. 8
MR BN LIMBACHIA(3454) for the Defendant(s) No. 5
MR. JAY M THAKKAR(6677) for the Defendant(s) No. 7
RULE SERVED for the Defendant(s) No. 1,2,3,4,6,9

=====

CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 08/07/2026

COMMON ORAL ORDER

(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

Order in First Appeal No.615 of 2016

1. This first appeal filed under Section 96 of The Civil Procedure Code, challenging the impugned judgment and decree dated 16.01.2016 passed in Special Civil Suit No.532 of 2012, whereby the 3rd Additional Senior Civil Judge, Ahmedabad (Rural) was pleased to reject the plaint under Order 7 Rule 11 of the CPC.

2. The appeal has been listed in the category of old matters. The advocate notice after retiring of the counsel on record, has been served. Since long, none is appearing for the appellants. When matter called out, neither the appellants, nor any counsel on their behalf, have appeared to assist the court. The conduct of the appellants shows that, after filing the appeal, they are not interested to pursue the appeal proceedings. In such

circumstances, we have no option but to dismiss the appeal by exercising power under Order 41 Rule 17 of the CPC.

3. Accordingly, the appeal stands dismissed for the appellant's default under Order 41 Rule 17 of the CPC. There shall be no order as to costs.

Order in First Appeal No.727 of 2013

1. This first appeal filed under Section 96 of The Civil Procedure Code, challenging the impugned judgment and decree dated 05.01.2013 passed in Special Civil Suit No.594 of 2012, whereby the 10th Additional Senior Civil Judge, Ahmedabad (Rural) was pleased to reject the plaint under Order 7 Rule 11 of the CPC.

2. The appeal has been listed in the category of old matters. The advocate notice after retiring of the counsel on record, has been served. Since long, none is appearing for the appellants. When matter called out, neither the appellants, nor any counsel on their behalf, have appeared to assist the court. The conduct of the appellants shows that, after filing the appeal, they are not interested to pursue the appeal proceedings. In such circumstances, we have no option but to dismiss the appeal by exercising power under Order 41 Rule 17 of the CPC.

3. Accordingly, the appeal stands dismissed for the appellant's default under Order 41 Rule 17 of the CPC. There shall be no order as to costs.

(ILESH J. VORA,J)

(R. T. VACHHANI, J)

TAUSIF SAIYED