

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**FIRST APPEAL NO. 872 of 2016**  
**With**  
**CIVIL APPLICATION NO. 8512 of 2017**  
**In**  
**FIRST APPEAL NO. 872 of 2016**

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**EXECUTIVE ENGINEER....Appellant**

**Versus**

**LEGAL HEIRS OF RAJENDRASINH TAKHATSINH CHAUHAN &**  
**1....Defendants**

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Appearance:

MR RB THAKOR, ADVOCATE for the Appellant

MR RAXIT J DHOLAKIA, ADVOCATE for the Defendant Nos. 1.1 - 1.2

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**CORAM: HONOURABLE MR.JUSTICE S.R.BRAHMBHATT**

**and**

**HONOURABLE MR.JUSTICE A.G.URAIZEE**

**Date : 06/07/2017**

**ORAL ORDER**

**(PER : HONOURABLE MR.JUSTICE S.R.BRAHMBHATT)**

**Order in First Appeal.**

In this First Appeal, the appellant has been granted leave to appeal by this Court vide order dated 15<sup>th</sup> November 2016 passed in Civil Application No.4336 of 2016 and an elaborate reasoning appears to have been assigned. In that view of the matter and in view of the fact that it is an admitted fact that the appellant was not joined and naturally therefore, not heard by the reference Court and the claimants have also preferred First Appeal No.1706 of 2015, which is awaiting its hearing, the present appeal is required to be admitted and required to be heard with First Appeal No.1706 of 2015. Hence, **Admit.** To be heard with First Appeal No.1706 of 2015.

**Order in Civil Application.**

**Rule** returnable on 21<sup>st</sup> August 2017. Shri Dholakia, learned advocate waives service of notice of rule on behalf of the original plaintiffs. The order impugned shall remain stayed on a condition of applicant depositing the entire amount before the reference Court within the period of six weeks. The orders for disbursement will be passed after hearing the learned counsels for the parties on the next date of hearing.

**(S.R.BRAHMBHATT, J.)**

**(A.G.URAIZEE,J)**

*Rathod...*