

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**SECOND APPEAL NO. 84 of 2015**

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RAVISHANKAR KARSANJI MEHTA....Appellant(s)

Versus

HASUMATI MANSUKHLAL MEHTA & 4....Respondent(s)

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Appearance:

MR P J YAGNIK, ADVOCATE for the Appellant(s) No. 1

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CORAM: HONOURABLE MR.JUSTICE R.D.KOTHARI**Date : 23/09/2015****ORAL ORDER**

Heard learned advocate Mr. Yagnik for the appellant.

Learned advocate for the appellant points out that defendant no. 3 has received the share in the suit property via execution of will by Shantilal Karsanji who is the son of Karsanji Mehta. All the legal heirs derives share instituted from Karsanji Mehta. The present appellant is also the son of Karsanji Mehta. However, both the Courts below has dismissed the suit of the plaintiffs and in the process, share of defendant no. 3 is also affected. It is submitted that without hearing defendant no. 3, the Court below has passed the decree.

The learned advocate for the appellant has also drawn attention of the Court that defendant no. 3 has filed appeal being *Second Appeal (Stamp) No. 211 of 2015*, which is pending as there

is office objection.

In view of the above, **Notice** returnable on **16.10.2015**.

(R.D.KOTHARI, J.)

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