

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 8798 of 2026**

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LEGAL HEIRS AND REPRESENTATIVES OF DECEASED RUKHIBEN
MANILAL SEVAK & ORS.

Versus

PURSHOTTAMDAS SAKHIDAS PATEL

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Appearance:

MR SHEGUN B CHOKSHI(12790) for the Petitioner(s) No. 1,1.1,1.2,1.3,1.4,2

MR. HEMANG K SONI(15634) for the Petitioner(s) No. 1,1.1,1.2,1.3,1.4,2

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 03/07/2026

ORAL ORDER

1. Heard Mr. S.P.Majmudar, learned advocate with Mr. Shegun B.Chokshi, learned advocate for the petitioners.

2. At the outset, Mr. Majmudar, learned advocate for the petitioners would submit that, it is a specific case of the petitioner that the signature in the Will in question is fraudulent one and forged Will is created by the respondent – plaintiff to get the right in the suit property. It is submitted that, at the stage of recording of the evidence of the petitioners being defendants, an impugned application came to be filed below Exhibit-201 for sending the Will in question along with other documents for verification of the signature of the testator to Forensic Science Laboratory,

Gandhinagar, whereby it can be confirmed as to whether there is a genuine signature of the testator on the Will in question or not?

2.1 It is further submitted that, as per the settled position of law, such type of request ought to have been accepted by the Trial Court rather; rejecting it on the ground that it caused further delay in the matter.

2.2 To buttress his arguments, he would rely upon the decisions of this Court rendered in ***SCA No.15339 of 2024 dated 17.03.2025*** and ***SCA No.18461 of 2022 dated 29.07.2025***.

3. Heard Mr. Majmudar, learned advocate for the petitioners at length.

4. *Prima facie*, it appears that there is a specific case of the petitioners – defendants that since inception, the testator signature on the Will is fraudulent one and to prove such fact, they have requested the Trial Court to send the original document including Will for signature verification of testator, to FSL, Gandhinagar but the same was rejected mainly on the ground of delay.

5. The issue germane to the matter is covered by the decision of

the Hon'ble Apex Court in the case of ***Rama Avtar Soni Vs. Mahanta Laxmidhar Das*** reported in **2019 (11) SCC 415** and cited decisions. At the same time, considering the fact that the respondent – original plaintiff is aged 88 years old, to avoid further delay in the matter, issue germane to the application requires to be adjudicated at the earliest.

6. In view of the aforesaid, the matter requires consideration. Issue **NOTICE** for final disposal, returnable on **31st July, 2026**. *Ad interim* relief in terms of para-27(B).

7. Direct service is permitted. List on top of the board.

(MAULIK J.SHELAT,J)

Lalji Desai