

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
SPECIAL CIVIL APPLICATION NO. 1413 of 2016

=====

ABDUL RAZAK SULEMAN TARMHOMAMD & 1....Petitioner(s)

Versus

HEIRS OF PATEL LADHA BHADA & 5....Respondent(s)

=====

Appearance:

MR AS ASTHAVADI, ADVOCATE for the Petitioner(s) No. 1 - 2

MR ANSHIN DESAI, ADVOCATE for the Respondent(s) No. 1

=====

CORAM: HONOURABLE MR.JUSTICE S.G.SHAH

Date : 29/01/2016

ORAL ORDER

Heard learned counsel for the respective parties and perused the record.

It seems that there is a dispute amongst different persons claiming them as legal heirs of the deceased decree holder before the Appellate Court. Therefore, practically, the Appellate Court has to follow the provisions of Rule 5 of Order XXII of the Code of Civil Procedure which provides for determination of question as to legal representative, hence, Rule, returnable on **18.3.2016**. Mr. Anshin Desai, learned advocate waives for respondent No.1.

Interim relief in terms of Paragraph 10(B) is granted till the next date of hearing.

Direct Service is permitted. To be served through the trial Court pursuant to provisions of Order III Rule 5 of the Code of Civil Procedure through learned advocate appearing on behalf of concerned respondent before the trial Court. If such advocate refuses to accept the notice, then Process Server shall affix it at the given address as per the provision of Code of Civil Procedure and shall file an undertaking to that effect in the prescribed format.

(S.G.SHAH, J.)

* Vatsal