

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 3486 of 2023****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2023****In R/FIRST APPEAL NO. 3486 of 2023**

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MINAXIBEN W/O. AJAYBHAI MEHTA AND D/O. DECD. ISHWARBHAI
GOPALJI VASHI
Versus
BHIKHUBHAI KUBERBHAI PATEL SINCE DEAD THROUGH HIS HERIS
AND LRS

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Appearance:

MR NV GANDHI(1693) for the Appellant(s) No. 1,2

for the Defendant(s) No. 1,1.1,1.2,1.3,1.4

MR HIMANSHU C DESAI(6832) for the Defendant(s) No. 2

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CORAM:HONOURABLE MR. JUSTICE ASHUTOSH SHASTRI
and
HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 11/08/2023**ORAL ORDER****(PER : HONOURABLE MR. JUSTICE ASHUTOSH SHASTRI)****Order in First Appeal:**

Heard learned advocates appearing for the parties.

Notice returnable on **23.08.2023**.

Mr. Himanshu C. Desai, learned advocate waives service of notice of admission on behalf of defendant No.2. Direct service qua defendant No.1 is permitted.

Order in Civil Application:-

Heard learned advocates appearing for the parties.

Notice returnable on **23.08.2023**.

Considering the facts that throughout during the suit proceedings, the interim protection was already extended in favour of the appellants by detailed order dated 09.08.2016 passed below Exh.5 and also during the challenge to the said order, by way of Appeal from Order No.413 of 2016, after bi partite hearing, *vide* order dated 02.09.2022, the learned Single Judge was pleased to continue the interim order passed by the trial court to remain in force till final disposal of the main suit proceedings and in view of the fact that present appeal is filed within a period of limitation, we deem it proper to grant ad-interim relief till next date of hearing in terms of para 5(C) and this is more so in view of the fact that *prima facie* the said interim order by reasoned order is continued throughout.

Direct service is permitted.

(ASHUTOSH SHASTRI, J.)

(DIVYESH A. JOSHI, J.)

DHARMENDRA KUMAR