

**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 & ANR.

Versus

BHIKHUBHAI KUBERBHAI PATEL SINCE DEAD THROUGH HIS HERIS  
AND LRS & ORS.

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Appearance:

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

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

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

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**CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**  
**and**  
**HONOURABLE MR. JUSTICE MOOL CHAND TYAGI**

**Date : 25/07/2025**

**ORAL ORDER**  
**(PER : HONOURABLE MS. JUSTICE SANGEETA K. VISHEN)**

1. Mr. N.V. Gandhi, learned advocate, submitted that the suit was filed seeking specific performance and also for protection of possession in view of the possession receipt issued apart from the agreement to sell and the power of attorney. The suit has been dismissed on the ground of Section 43 of the Bombay Tenancy and Agricultural Lands Act, 1948. It is submitted that the relief prayed for, was also for protecting the possession. Though, the learned Judge has agreed and accepted the execution of the agreement to sell, possession receipt and power of attorney, disallowed the claim of the plaintiff for protection of the possession. Various documents, besides the possession receipt,

were produced; however, the same has not been considered. Request is made to call for the record & proceedings.

2. Registry is directed to call for the record & proceedings from the Court of learned 15<sup>th</sup> Additional Senior Civil Judge, Surat of Special Civil Suit No.502/2013, so as to reach this Court on or before 19.09.2025.

3. List the matter on 23.09.2025.

4. Interim relief granted earlier, if any, to continue till then.

**(SANGEETA K. VISHEN,J)**

HARSHIT

**(MOOL CHAND TYAGI, J)**