

Reserved On : 16/07/2026
Pronounced On : 07/08/2026

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 9532 of 2026

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Approved for Reporting	Yes	No
		✓

PRATIKBHAI MAHENDRABHAI PATEL & ORS.

Versus

MAYURKUMAR JAGDISHBHAI PATEL

Appearance:

MR JA ADESHRA(107) for the Petitioner(s) No. 1,2,2.1,2.2,3,3.1,3.2,3.3

CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

CAV JUDGMENT

1. Heard Mr. J. A. Adeshra, learned advocate for the petitioners.

2. The present petition is filed under Article 227 of the Constitution of India, seeking the following reliefs:

“(A) This Hon’ble Court be pleased to quash & set aside (1) order dtd. 7.5.2026, passed by the Trial Court below Application Ex.22 in Regular Civil Suit No. 82 of 2024 at Annexure-B, (2) order dtd. 7.5.2026, passed by the Trial Court below Application Ex.20 in Regular Civil Suit No. 82 of 2024 at Annexure-D and (3) order dtd. 15.6.2026, passed by the Trial Court below amendment

Application Ex.25 in Regular Civil Suit No. 82 of 2024 at Annexure-F and further be pleased to grant prayers made in (1) application Exh. 22 filed by petitioner Nos. 2/1, 2/2, 3/1, 3/2 & 3/3 filed on 7.5.2026 under Order 1 Rule 10(2) R/w. Sec. 151 of CPC at Annexure-A to join them as parties to RCS No. 82 of 2024, (2) Application dtd. 13.4.2026 Exh. 20 at Annexure-C filed by the plaintiff seeking permission for producing relevant documentary evidence on record and (3) Amendment application dtd. 15.6.2026 Exh. 25 at Annexure-E filed by the plaintiff under Order 6 Rule-17 R/w. Sec. 151 of C.P.C. seeking amendment in the plaint.

(B) Pending admission, hearing & final disposal of this petition, this Hon'ble Court be pleased to stay the further proceedings of Regular Civil Suit No. 82 of 2024 pending in the Court of Learned Principal Civil Judge, Amod (Dist: Bharuch).

(C) This Hon'ble Court be pleased to grant any such other and further reliefs deemed just and proper looking to the facts and circumstances of this case and in the interest of justice."

3. At the outset, it is to be noted that by way of this petition, the petitioners have challenged three different sets of orders passed by the Trial Court. The aforesaid fact was brought to the notice of learned advocate for the petitioners and this Court has advised him to challenge the impugned orders by way of separate petitions. Nonetheless, Mr. Adeshra, learned advocate for the petitioners has argued the matter on merits and not shown his inclination to file separate petitions

challenging three different sets of orders passed by the Trial Court impugned in this petition.

4. The impugned order dated 07.05.2026 passed below Exh. 22 by the Trial Court was in an application filed under Order I Rule 10(2) read with Section 151 of Civil Procedure Code, 1908, whereby the petitioner Nos. 2.1 to 3.3 herein requested the Trial Court to join them in the suit proceeding.

4.1. The impugned order dated 15.06.2026 passed below Exh. 25, whereby the Trial Court rejected the amendment application filed by the petitioner No. 1 under Order VI Rule 17 read with Section 151 of CPC. The petitioner No.1 happens to be original plaintiff.

4.2. Whereas, the last impugned order dated 07.05.2026 passed below Exh. 20, whereby the documents sought to be produced by the plaintiff was rejected and documents were returned to the plaintiff. It has been observed by the Trial Court in the aforesaid last impugned order that the conduct of the learned advocate appearing for the

plaintiff was unbecoming of a lawyer, as he failed to maintain the decorum and dignity of the Court while pursuing the aforesaid application filed below Exh. 20.

5. According to my considered view, when there are three sets of different orders passed by the Trial Court on different applications under different provisions of CPC, which are neither directly connected nor the grounds of their challenge common, by way of this petition challenging the said impugned orders is as such not to be entertained and requires to be rejected summarily.

5.1. Moreover, the petitioner No. 1 is original plaintiff, whereas, petitioner Nos. 2.1 to 3.3 were only applicants of the impugned application filed below Exh. 22, thereby they cannot be permitted to challenge remaining impugned orders.

5.2. Thus, in view of the aforesaid, this petition at the instance of these petitioners in present form cannot be entertained.

6. Yet, Mr. Adeshra, learned advocate has consumed the time of this Court, as argued the matter on merits, then I would like to record his submissions and deal with it as follows.

SUBMISSIONS OF THE PETITIONERS:

7. The Trial Court has committed a serious error in law by rejecting the impugned application filed by the petitioner Nos. 2.1 to 3.3 below Exh. 22 on the ground that since the hearing of Order VII Rule 11 application filed by the respondent – defendant below Exh. 15 in the suit is pending, at this stage, the Court cannot entertain such application. It is submitted that the petitioner Nos. 2.1 to 3.3 are necessary and proper parties, as they are co-owners of the suit property referred in the plaint. The Trial Court ought to have decided the aforesaid application on its own merit irrespective of the application filed by the defendant under Order VII Rule 11 of CPC.

7.1. The Trial Court has committed a jurisdictional error by not entertaining the amendment application filed below Exh. 25 and the same was erroneously rejected on the ground that by allowing the amendment, it will cause prejudice to the interest of defendant and the stage at which such application was filed, it cannot be entertained. The Trial Court has not considered the provisions of Order VI Rule 17 of CPC in proper perspective and committed a serious error in law by rejecting the application.

7.2. The Trial Court has also erroneously rejected the application filed below Exh. 20, whereby the plaintiff sought permission of the Trial Court to allow him to submit documentary evidence in support of his case. The Trial Court ought not to have taken into account the conduct of the learned advocate while adjudicating the suit application; rather, it ought to have allowed such application irrespective pending application filed under Order VII Rule 11 of CPC.

7.3. By making the above submissions, Mr. Adeshra, learned advocate requests this Court to allow the present petition.

7.4. No other and further submissions have been advanced by learned advocate for the petitioners.

ANALYSIS & REASONS:

8. Having heard Mr. Adeshra, learned advocate at length and upon perusal of the aforesaid impugned orders passed by the Trial Court below Exhs. 20, 22 and 25 respectively, I do not find any gross illegality or irregularity on the part of the Trial Court in rejecting / not entertaining the aforesaid applications, at this stage, for the following reasons.

8.1 The impugned application filed below Exh. 22 under Order I Rule 10(2) of CPC whereby the petitioner Nos. 2.1 to 3.3 sought to be joined in the suit proceeding is

concerned, the Trial Court has specifically noted in the impugned order dated 07.05.2026 passed below Exh. 22 that hearing of learned advocate for the defendant of application filed below Exh. 15 under Order VII Rule 11 of CPC was over and after learned advocate for the plaintiff – petitioner No.1 had partly advanced his arguments, at that stage, the said application came to be filed. The Trial Court was of the opinion that such application can be kept in abeyance and the same can be decided after adjudicating the aforesaid application of defendant filed below Exh. 15 under Order VII Rule 11 of CPC.

8.2. *Prima facie*, no fault can be found with the view taken by the Trial Court, inasmuch as the petitioner No. 1 – plaintiff was fully aware about the fact that there are other co-owners of the suit property despite that, he filed the suit as a sole plaintiff on the ground that others have given consent in his favour, thereby as a Karta of H.U.F., with oral consent of other co-owners, i.e., petitioner Nos. 2.1 to 3.3, he has filed the suit. If such would be the

position, at this juncture, when the plaintiff has to defend the application filed under Order VII Rule 11 of CPC, there was no reason for petitioner Nos. 2.1 to 3.3 to be joined in the suit proceeding.

8.3. Be that as it may, once the arguments of defendant so far as his application filed below Exh. 15 under Order VII Rule 11 of CPC were over and at the midst of the argument of learned advocate for the plaintiff, aforesaid application was filed, the Court was well within his right to keep third party application in abeyance.

8.4. As far as the impugned amendment application filed below Exh. 25 is concerned, the Trial Court has specifically observed in its impugned order dated 15.06.2026 that considering the nature of the amendment sought, it may damage the defence of the defendant and the intention of the plaintiff appears to have not been bona fide as the said application was filed in the midst of the argument of an application filed under Order VII Rule 11 of CPC.

8.5. Thus, for the aforesaid reasons, the impugned amendment application was rejected at that stage. Meaning thereby, after adjudication of the application filed below Exh. 15 under Order VII Rule 11 of CPC, if the suit survives, it is always open for the plaintiff to file an appropriate amendment application in the suit and in that circumstance, it shall be decided by the Trial Court in accordance with law.

8.6. So far as the application filed below Exh. 20 is concerned, there is nothing stated in the production application that why such documents are required to be submitted on record of the suit, at the stage, where the Trial Court is first required to examine the application filed under Order VII Rule 11 of CPC.

8.7. Apart from not stating anything regarding the relevance of the documents sought to be produced, a bare reading of the impugned order dated 07.05.2026 passed by the Trial Court below Exh. 20, would indicate that

when Trial Court asked about the relevancy of the documents, the learned advocate appearing for plaintiff failed to act in the manner expected from a lawyer; rather, his behaviour, as observed by the Trial Court, *prima facie*, a conduct unbecoming of a lawyer.

8.8. According to my considered view, no fault can be found with the reasons assigned by the Trial Court while rejecting the said application Exh. 20, thereby it returned the documents to the plaintiff, as the plaintiff failed to show their relevancy.

9. According to my considered view, in any situation, the learned advocate is required to maintain the dignity and decorum of the Court while making the submissions. If the lawyer is aggrieved by any order or otherwise, he cannot be allowed to misbehave with the Court, whereby the dignity of the Court is lowered down. Since the Trial Court has specifically observed in the said order that learned advocate for the plaintiff has acted in a manner

which lowered down the dignity of the Court, yet, the Trial Court was gracious enough, as it did not issue any notice to the lawyer for his misbehavior or refer the matter to this Court for initiate contempt proceeding against him.

CONCLUSION:

10. Thus, considering the aforesaid facts and circumstances and for the foregoing reasons, I am of the considered view that this petition should neither have been entertained in the form in which it was presented nor is any fault to be found with the three sets of impugned orders passed by the Trial Court as referred to above.

11. This petition as such required to be dismissed with costs but for the fault of a lawyer, I would not like to unnecessarily burden the petitioners. Yet, to maintain the dignity and decorum of the Court, the learned advocate of the plaintiff (petitioner No.1) who appeared before the Trial Court is hereby directed to tender an unconditional

apology to the concern Court who passed the impugned order.

11.1. Mr. Adeshra, learned advocate of the petitioners through his client should ensure that the said direction must be brought to notice of learned advocate of plaintiff – petitioner No.1.

12. In view of the foregoing discussions and reasons, the present petition is found to be meritless. Accordingly, it is hereby dismissed in *limine*. No order as to costs.

SHAHANAZ

(MAULIK J.SHELAT,J)