

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 4255 of 2025**

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AJIJUNNISHA W/O MOHAMMEDAIYUB ABDULRASHID ANSARI-
EXPIRED(LHS OF DECD.MOHAMMEDAIYUB ABDULRASID ANSARI &
ORS.

Versus

KHATIJABANU MOHAMMEDIDARISH ANSARI (MOHAMMEDIDARISH
ABDULRASHID ANSARI SINCE DEAD THRU LHS AND LRS) & ANR.

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Appearance:

DEVANGI B SOLANKI(8888) for the Appellant(s) No. 1,2,3,4,5,6,7
DS AFF.NOT FILED (N) for the Defendant(s) No. 1,2

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CORAM:**HONOURABLE MRS. JUSTICE M. K. THAKKER**

Date : 02/12/2025

ORAL ORDER

1. Learned advocate Ms. Solanki submits that the suit came to be filed by another tenant seeking a declaration and injunction to the effect that the appellant has no right to reside in the suit property. Learned advocate Ms. Solanki submits that the said suit was filed in the year 2004, and in the year 2018 the original defendant, predecessor of the present appellants, expired. Thereafter, though the appellants were brought on record, they did not appear, and consequently an ex parte decree came to be passed against the present appellants. Learned advocate Ms. Solanki further submits that the plaintiff is himself a tenant and has no ownership or title over the suit property, and therefore he has no right to seek the declaration prayed for in the suit.

2. In view of above, the appeal is ***admitted***.

(M. K. THAKKER,J)

M.M.MIRZA