

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 9652 of 2026**

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JOSHI JITENDRAKUMAR DAHYALAL & ANR.

Versus

JOSHI MADHAVLAL KANTILAL & ORS.

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Appearance:

MR JIGAR G GADHAVI(5613) for the Petitioner(s) No. 1,2

MR. JAY TRIVEDI, AGP for the Respondent(s) No. 5,6

JIGNESHKUMAR P PANDAV(8297) for the Respondent(s) No. 4

MR MONARCH K PANDYA(11437) for the Respondent(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI

Date : 21/07/2026

ORAL ORDER

Learned advocate Mr. Jigar G. Gadhavi appearing for the petitioners submits that the petitioners are the original defendants in the proceedings instituted by respondent Nos. 1 to 3 before the Mamlatdar, Dantiwada under Section 5(2) of the Mamlatdars' Courts Act, 1906. Pursuant thereto, the Mamlatdar conducted the proceedings and after affording an opportunity of hearing to the parties, allowed the suit. Being aggrieved by and dissatisfied with the said decision, the petitioners preferred a Revision Application before the competent authority, namely the Deputy Collector, Dhanera. Along with the Revision Application, a separate application seeking stay has also been preferred. However, the said stay application has not been taken up for hearing for one reason or another.

It is further submitted that during the pendency of the

Revision Application, the Mamlatdar has initiated proceedings for implementation of the order passed in the suit proceedings. In view thereof, the petitioners submitted an application requesting urgent hearing of the stay application before the revisional authority. However, no effective steps have been taken on the said request.

Learned advocate for the petitioners submits that the petitioners apprehend that if the stay application is not heard expeditiously, the authorities may proceed with implementation of the order, including removal of the alleged obstruction from the pathway with the assistance of the police machinery, in that event, the proceedings instituted before the Deputy Collector may become infructuous. Hence, the present petition is filed.

Notice came to be issued and the same has been duly served upon the respondents.

Learned AGP Mr. Jay Trivedi appearing for the Respondent Nos. 5 and 6, at the outset, submits that he has received a written communication from the office of the Sub-Divisional Magistrate, Dhanera, stating that the revisional authority shall conclude the Revision Application within a period of one week from the date of receipt of a copy of this order.

On the strength of the above-stated development took place in the matter, learned advocate Mr. Gadhavi does not press the present petition.

Accordingly, the petition stands disposed of as not pressed. Notice is discharged.

However, it is clarified that till the Revision Application is decided by the competent authority, all the parties shall maintain status quo with regard to the subject property.

Learned advocate Mr. Shrenik Shah states that he has instructions to appear on behalf of Respondent No.4. Registry is directed to accept his Vakalatnama.

Learned advocates appearing for the respective parties have assured the Court that they shall extend full cooperation for early disposal of the Revision Application.

Direct service is permitted.

(DIVYESH A. JOSHI,J)

GARVITA