

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SECOND APPEAL NO. 201 of 2021****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2021****In R/SECOND APPEAL NO. 201 of 2021****With****CIVIL APPLICATION (FOR AMENDMENT) NO. 1 of 2025****In CIVIL APPLICATION (FOR STAY) NO. 1 of 2021****In R/SECOND APPEAL NO. 201 of 2021****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 1 of 2026****In CIVIL APPLICATION (FOR STAY) NO. 1 of 2021****In R/SECOND APPEAL NO. 201 of 2021****With****CIVIL APPLICATION (FOR AMENDMENT) NO. 2 of 2025****In R/SECOND APPEAL NO. 201 of 2021****With****CIVIL APPLICATION (FOR JOINING PARTY) NO. 2 of 2026****In CIVIL APPLICATION (FOR STAY) NO. 1 of 2021****In R/SECOND APPEAL NO. 201 of 2021**

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VIDHYABEN NIRUBHAI THAKORE EXPIRED & ANR.**Versus****LH OF DECD JAYANTILAL CHANDULAL THAKOR****JITENDRAKUMAR JAYANTILAL THAKORE & ORS.**

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Appearance:**MALAV M MULANI(8844) for the Appellant(s) No. 1,2****MR JAYDEV BHATT FOR MR HRIDAY BUCH(2372) for the
Respondent(s) No. 2,3,4,5,6,7,8****MR. NISHIT P GANDHI(6946) for the Respondent(s) No. 1**

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 31/08/2026****ORAL ORDER****ORDER IN CIVIL APPLICATION NOS.1/2026 & 2/2026 :**

1. Heard Mr.Malav Mulani, learned advocate for the applicants, Mr.Nishit Gandhi, learned advocate for opponent No.1 and Mr.Jaydev Bhatt, learned advocate for opponent Nos.2 to 8.

2. At the outset, Mr.Mulani, learned advocate would tender the draft amendment. The other side has no objection if this Court grants amendment as prayed for. Accordingly, the amendment sought for is granted. Same shall be carried out, forthwith.

3. Having heard the learned advocates for the respective parties and upon perusal of the application, it appears that original respondent No.8, namely, Patel Vipulbhai Jayantibhai sold the suit property in favour of the proposed respondent, namely, Roshanben alias Roshanbibi Kamubhai w/o. Nurmahammad Ghanchiya Shaikh. It further appears that in another Civil Application for joining party filed in the Stay Application in the appeal, the coordinate Bench of this Court vide its order dated 24.04.2026, issued a notice to proposed respondent, i.e., Roshanben alias Roshanbibi Kamubhai.

4. Upon verification, it appears that said Roshanben alias Roshanbibi Kamubhai refused to accept the notice of this Court issued in the said application on 21.05.2026. Thus, it is well within the knowledge of said Roshanben alias Roshanbibi Kamubhai about the application whereby she is proposed to be joined in the Second Appeal as well as Stay Application.

5. In view of the above, according to my considered view, the subsequent purchaser, namely, Roshanben alias Roshanbibi Kamubhai, is required to be joined in the appeal and stay proceedings. Accordingly, the present Civil Applications are allowed, whereby said Roshanben alias Roshanbibi Kamubhai is joined as respondent No.9 in the

second appeal and opponent No.9 in the stay application filed therein. Necessary amendment be made in the main second appeal and stay application, forthwith.

ORDER IN SECOND APPEAL NO.201 OF 2021 WITH CIVIL APPLICATION NO.1 OF 2021 :

6. Issue **Notice** to the newly added respondent No.9, Roshanben alias Roshanbibi Kamubhai, returnable on **27.10.2026**.

ORDER IN REST OF THE MATTERS :

7. Stand over to **27.10.2026**.

GAURAV J THAKER

(MAULIK J.SHELAT,J)