

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 18764 of 2017****HAVLABHAI FATABHAI DAMOR & ORS.****Versus****RAJENDRAKUMAR SADIYABHAI BHABHOR & ORS.****Appearance:**

MR MIG MANSURI(444) for the Petitioner(s) No. 1,2,3,4,5,6,7,8

ADVOCATE NOTICE SERVED for the Respondent(s) No. 1,3,4,5

MR ADITYA PATHAK AGP for the Respondent(s) No. 7

NOTICE SERVED BY DS for the Respondent(s) No. 10,2,6,8,9

CORAM:HONOURABLE MR. JUSTICE DIVYESH A. JOSHI**Date : 23/04/2026****ORAL ORDER**

When the matter is taken up for hearing, learned advocate, Mr. Mansuri submitted that here in the present case, the dispute pertains to mutation of Entry No.196 dated 16.01.1975 based upon the execution of the registered sale deed, wherein it is mentioned that the father of the petitioner is seller of the said land, however if the Hon'ble Court would make cursory glance upon the documents produced on record, not a single piece of document was produced at the time of mutation of the said entry. He submitted that in fact, since 1975, the petitioners are enjoying the possession of the land in question and they were not aware about mutation of such entry. He submitted that however it is only when the notice was issued in connection with the suit preferred by the private respondents, they came to know about the said fact and immediately thereafter, they have inquired from the revenue authority and come

to know about mutation of aforesaid entry, therefore, the order mutating the aforesaid entry has been challenged before the revenue authority, however till learned SSRD, the said order has been confirmed, therefore, the present petition has been filed.

Learned advocate, Mr. Mansuri submitted that however in the suit proceedings, they have appeared and contested the said suit, wherein the injunction application filed by the private respondents in the suit has been rejected and the suit is pending for further adjudication. He, therefore, submitted that final outcome of the said suit would be binding to both the parties. He, therefore, submitted that in view of the said fact, he may be permitted to withdraw the present petition subject to final outcome of the suit reserving liberty to avail appropriate remedy available under the law.

On the other hand, learned advocate, Mr. Pathak the dispute is between the private parties and if the request of the petitioner is considered, in that event, he has no objection.

In view of above, the present petition stands disposed of as withdrawn. Notice is discharged. Interim relief stands vacated. It is clarified that this Court has not considered the merits of the case. It is open for the petitioner to avail appropriate remedy available under the law after the final outcome of the suit, which is pending before the competent court.

(DIVYESH A. JOSHI, J.)

Gautam