

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4561 of 2007**

=====

MOHANLAL S. MITHAIWALA AND SONS PRIVATE LIMITED (AMENDED
AS PER HON'BLE COURT'S ORDER DTD 11/07/24) & ORS.

Versus

DIPAKBHAI BABULAL PAREKH

=====

Appearance:

DECEASED LITIGANT THROUGH LEGAL HEIRS/ REPRESENTATIVES for
the Appellant(s) No. 2

MR PARTH H SALUJA for MR AS VAKIL(962) for the Appellant(s) No. 1

MR HJ DHOLAKIA(5862) for the Defendant(s) No. 1

=====

CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 29/08/2024

ORAL ORDER

1. When the matter was taken up for hearing, learned advocate Mr. Parth Saluja for learned advocate Mr. A. S. Vakil for the appellant submits that he seeks time to get the certified copy of the notice / summons and warrant which were issued in the Execution Petition No.364 of 2004 for the respondent - original plaintiff in summary suit No.3702 of 2002.

2. The controversy raised in the captioned First Appeal is with regard to the service or non-service of the

summons of the summary suit No.3702 of 2002 upon defendants. It is submitted that the appellant came to know about passing of the decree when the notice of execution was served upon the defendants.

3. In view of above, request of learned advocate for the appellant is accepted so as to enable him to get the certified copy of the notice / summons and warrant which were issued in the Execution Petition No.364 of 2004 for the respondent – original plaintiff in summary suit No.3702 of 2002.

Stand over to 19.9.2024.

VATSAL

(D. M. DESAI,J)