

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 12596 of 2024****With****R/SPECIAL CIVIL APPLICATION NO. 12580 of 2024**

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MOHAMMAD IQBAL GULAMMOHAMMAD MALEK & ORS.**Versus****STATE OF GUJARAT & ORS.**

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Appearance:**RIZWAN SHAIKH(7146) for the Petitioner(s) No. 1****for the Respondent(s) No. 2,3,4,5,6,7****ADVANCE COPY SERVED TO GOVERNMENT PLEADER/PP for the
Respondent(s) No. 1**

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 29/08/2024****ORAL ORDER**

Mr.MTM Hakim, learned Advocate appearing with Mr.Rizwan Shaikh, learned Advocate submitted that Power of Attorney was executed by the petitioners and respondent no. 7. Properties were purchased by the petitioner no.1 on behalf of petitioner nos. 2,3 and respondent no. 7; however, subsequently, relinquishment deed was executed and all the brothers have relinquished their respective rights in favour of the petitioner no.1. It is thereafter that another deed was executed for the purpose of incorporating the names of petitioner nos. 2 and 3; however, since the respondent no. 7 was suffering from Dementia his name was not included in the said deed. It is submitted that thereafter, application was filed with the Panchayat and resolution has been passed. The said resolution is subject matter of challenge before the Appeals Committee which, has condoned the delay of almost two years without referring to the objections raised by the

petitioners. There is not a whisper in the order as to how the objections have been dealt with. The same mistake has been committed by the respondent no. 2. It is submitted that since the respondent no. 7 was suffering from dementia he could not have filed appeal together with the application for condonation of delay.

2. On the other hand, Mr.Dhawan Jaiswal, learned Assistant Government Pleader pointed out that in the application seeking condonation of delay it has been stated that the respondent no. 7 was aged 75 years at the relevant point of time and was suffering from Dementia and other health issues. It is the case of the respondent no. 7 that taking advantage of the said condition, that the relinquishment deed has been executed. It is therefore submitted that sufficient cause was made available in the application.

3. Mr.MTM Hakim, learned Advocate urges for some time so as to place on record the decision of the appeal committee dated 11.09.2018 as referred to in the order dated 08.10.2018.

4. List the matter on 12.09.2024.

SINDHU NAIR

(SANGEETA K. VISHEN,J)