

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SECOND APPEAL NO. 468 of 2023****With****CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2023****In R/SECOND APPEAL NO. 468 of 2023**

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LAXMANBHAI NEMLABHAI PATEL**Versus****HIRUBHAI RANCHHODJI DESAI DIED THROUGH LHR**

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Appearance:**MR NIRAV R MISHRA(6140) for the Appellant(s) No. 1****for the Respondent(s) No. 1,1.2,2,3,4,5,6****MR RUSHABH R SHAH(5314) for the Respondent(s) No. 1.1**

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CORAM:HONOURABLE MR. JUSTICE ILESH J. VORA**Date : 09/10/2023****ORAL ORDER****Order in S.A.No.468/2023**

Heard learned counsel for the appellant.

This Court is of view that, the appeal requires consideration and hence, it is **admitted**.

Following substantial questions of law are framed for determination and consideration of this Court:

- “a) *Whether the Hon’ble Court’s below erred in appreciating the fact that the appellant herein was not a party to any settlement dated 30.10.1972 or party to Civil Suit No.107*

of 1984, which was decided by settlement terms and therefore the appellant being a non-party to the above, the appellant was a bonafide purchaser of the property in question by registered sale deed ?

- d) Whether the original plaintiff had waived of his right by not objecting or protesting to the sale of land in question by not issuing any notice in accordance with law or proving by any evidence that he had objected to the sale of the said land in question by registered sale deed dated 24.08.1994 and therefore the settlement dated 30.10.1972 and the order of Regular Civil Suit No.107 of 1984 was not binding upon the appellant herein being the original respondent no.1 ?”*

Order in C.A.No.1/2023

Notice, returnable on 02.11.2023. Mr.Rushabh R. Shah, learned advocate waives service of notice for and on behalf of respondent no.1.1.

Direct Service is permitted.

Rakesh/

(ILESH J. VORA,J)