

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 567 of 2022**

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RAMANBHAI CHATURBHAI PRAJAPATI

Versus

MINOR SRUSHTI RAJESHBHAI MISTRY THRU HER BIOLOGICAL
MOTHER AND GUARDIAN KAMINIBEN RAJESHBHAI MISTRY

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Appearance:

MR PARTHIV B SHAH(2678) for the Applicant(s) No. 1
for the Opponent(s) No. 1,10,11,12,2,3,4,5,6,7,8,9

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CORAM:HONOURABLE MR. JUSTICE A.S. SUPEHIA

Date : 12/10/2022

ORAL ORDER

Learned advocate Mr.Shah appearing for the applicant has submitted that the court below by the impugned order dated 18.08.2022 rejecting the application filed by the defendant no.3 seeking rejection of the plaint under the provisions of the Order VII Rule 11 of the Code of Civil Procedure, 1908 (for short “the CPC”), is very cursorily passed without examining actual facts of the plaint. He has referred to the averments made in paragraph no.10 of the plaint and has submitted that the plaintiff nos.1 and 2, who are the daughter and son of the defendant no.8-Rajeshbhai, plaintiff no.3, who is the son of the defendant no.7 and the plaintiff nos.4 and 5, who are the daughter and son of the defendant no.6, have tried to mislead the court below by stating that earlier the suit being Regular Civil Suit No.342 of 2007 has been decided by obtaining collusion and committed fraud on the basis of the compromise arrived at between their fathers and the defendants. It is submitted that in fact the plaintiffs have not challenged the compromise, which has arrived at

between the parties including their fathers in the Regular Civil Suit No.342 of 2007, which has been disposed of on 01.01.2011. He has submitted that thus the suit is barred by limitation and also is bereft of cause of action.

Issue **Notice** to the respondents returnable on 06.12.2022. Till the next date of hearing, ad-interim relief in terms of para 7(B) is granted.

(A. S. SUPEHIA, J)

ABHISHEK/26