

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 395 of 2023**

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PATEL VISHNUBHAI KHODABHAI

Versus

PATEL DHULIBEN D/O PRAHLADBHAI RAMCHANDBHAI

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Appearance:

JIGNESHKUMAR M NAYAK(8558) for the Applicant(s) No. 1,2,3

for the Opponent(s) No. 1,2,2.1,2.2,2.3

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CORAM: HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 11/10/2023****ORAL ORDER**

1. Mr Jigneshkumar M. Nayak, learned advocate appearing for the applicants submitted that in the year 2004, partition took place and as per the partition, the land in question came in the share of Maneklal Prahladbhai. Entry no.4528 was posted in the revenue record as regards the partition and the plaintiffs were very well aware about the said partition and the entry as well. One of the heirs of Maneklal Prahladbhai i.e. wife, executed a registered sale deed in favour of the applicants and it is thereafter, that the plaintiffs have filed the suit seeking their share and challenge to the sale deed. It is submitted that the suit, would be barred by limitation inasmuch as, after the partition in the year 2004, the suit ought to have been filed after the expiry of three years i.e. in the year 2007. Moreover, copies of the entries posted in the revenue record, including the entry no.4528, was made available to the plaintiffs in the year 2012 and considering the year 2012, the suit could have been filed in the year 2015; however, the suit has been filed in the year 2022 seeking their share, which would be barred by limitation.

2. Considered the submissions. Issue notice to the respondents, returnable on 07.12.2023. Ad-interim relief is granted in terms of paragraph 9.C., till the next date of hearing. Direct service is permitted.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)