

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/FIRST APPEAL NO. 3638 of 2024**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2024
In R/FIRST APPEAL NO. 3638 of 2024**

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BIPINCHANDRA M. PARMAR & ORS.

Versus

PALMSPRING REALTIES LLP THROUGH PARTNER RAJAN
VIMALBHAI SHAH

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Appearance:

MR RAKESH G RAJ(10527) for the Appellant(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,3,4,5,6,7,8,9

MR TEJAS P SATTA(3149) for the Appellant(s) No.

1,10,11,12,13,14,15,16,17,18,19,2,20,21,22,23,24,25,3,4,5,6,7,8,9

MR NK MAJMUDAR(430) for the Defendant(s) No. 1

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 09/01/2025

ORAL ORDER

Mr. N K Majmudar, learned advocate for the respondent no.1 has invited attention of this Court to the cause title of the appeal and has prayed not to entertain the appeal on the ground of deformity in non joinder of the original defendant no.2 as party to the present proceedings. Reliance was placed on the Gujarat High Court Rules, 1993 in this regard. It was submitted that in absence of compliance of the mandatory provisions of Rules 32 A, 51 and 57, the present appeal may not be entertained.

Mr. Tejas Satta, learned advocate for the appellant has prayed for an adjournment to respond to the affidavit in reply. It is submitted that the rejoinder has been sent for affirmation and he is awaiting affirmed copy. As regards the preliminary objection raised by the learned advocate Mr. Majmudar, Mr.

Satta, learned advocate has submitted that the objection is curable and appropriate steps in this regard shall be taken, for which, he prays for short adjournment.

Mr. Majmudar, learned advocate for the respondent has further pointed out the check list appended to the original record which suggest the office objection at item no.16 as noted by the Registry as not complied with at the relevant time. Registry to explain under what circumstances, inspite non compliance the appeal has been registered and circulated.

Mr. Satta, learned advocate for the appellant at this stage has prayed for extension of interim arrangement which has continued till date. Mr.. Majmudar, learned advocate under the instructions assures the Court to adhere to the statement as recorded in the order dated 2.1.2025 till the next date of hearing.

Considering the request of the learned advocate for the appellant, stand over to 16.1.2025. In view of the assurance, the statement as recorded in the order dated 2.1.2025 is continued till the next date of hearing.

RATHOD KAUSHIKSINH

(NISHA M. THAKORE,J)