

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13485 of 2025**

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HEIRS OF DECEASED KADIYA (SATHVARA) SOMABHAI
HARGOVINDDAS, BABULAL SOMABHAI KADIYA (SATHVARA)

Versus

KADIYA UPENDRAKUMAR SHANKARBHAI & ORS.

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Appearance:

MALAY S PATEL(8901) for the Petitioner(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 29/09/2025

ORAL ORDER

1. Heard learned Advocate Mr. Malay S. Patel, appearing on behalf of the petitioner.
2. After arguing for some time, under the instructions of his client, learned Advocate Mr. Patel does not press the present writ application, with liberty to file an appropriate application seeking appropriate relief before the Trial Court concerned as regards the seeking prayer of partition of the suit property and also as regards the prayer for allowing the plaintiff to enjoy the suit property and the same may not be disturbed by the defendants.
3. Considering the request made by learned Advocate Mr. Patel, it appears reasonable and requires acceptance.

4. Permission as sought for is hereby granted.
5. It is open for the petitioner to file an appropriate application seeking amendment of the pleadings/prayers of the suit and also open for the petitioner to file an appropriate application seeking appropriate relief by way of seeking injunction, insofar as the enjoyment of the suit property by the petitioner, alleged to have been co-owner of the suit property on the basis of the will of her father. As and when such applications will be filed by the petitioner before the Trial Court concerned, after giving an opportunity of hearing to the respondents herein/defendants of the suit being Regular Civil Suit No. 212 of 2022 pending before the Principal Senior Civil Judge, Himmatnagar, the Trial Court shall decide such applications in accordance with law.
6. It is made clear that this Court has neither gone into nor examined the merits of the matter.
7. In light of the aforesaid observations and reserving liberty in favor of the petitioner, the present writ application is disposed of as withdrawn. No order as to costs.

(MAULIK J.SHELAT,J)

NRP

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: PARMAR NILESHKUMAR R(HCD0068), ENGLISH STENOGRAPHER GRADE TWO CLASS TWO, at High Court of Gujarat on 29/09/2025 17:37:19