

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 19225 of 2023**

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M/S JIVANLAL JOITARAM PATEL

Versus

VIJAYSHREE ELECTROMECH PVT LTD

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Appearance:

MR. JAY M THAKKAR(6677) for the Petitioner(s) No. 1,2,3,4  
for the Respondent(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE UMESH A. TRIVEDI**  
and  
**HONOURABLE MR. JUSTICE SAMIR J. DAVE****Date : 29/11/2023****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE UMESH A. TRIVEDI)**

1. Heard Mr. Jay M. Thakkar, learned advocate for the petitioners. According to his submission, the so called agreement dated 01.12.2018 can never be termed as the starting point of limitation, as the acknowledgment of debt has to be prior to the expiry of the period of limitation for filing of the suit for recovery. According to his submission, it is admitted position, prior to 01.12.2018, there was no acknowledgment of debt for any payment made or in writing so as to bring the suit within the period of limitation.

2. Hence, Notice returnable on 15.12.2023. By way of ad-interim relief, further proceedings of Summary Commercial Suit

No.128 of 2023 pending before the Commercial Court at City Civil Court, Ahmedabad is hereby stayed.

**(UMESH A. TRIVEDI, J)**

**(SAMIR J. DAVE,J)**

PRAVIN KARUNAN