

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/APPEAL FROM ORDER NO. 199 of 2025**

**With  
CIVIL APPLICATION (FOR STAY) NO. 1 of 2025  
In R/APPEAL FROM ORDER NO. 199 of 2025**

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JARIN NAUSHIR DALAL

Versus

KALABEN MAHAVIRBHAI PARDESHI (LHS OF DECD. MAHAVIRBHAI  
SHIVABHAI PARDESHI) & ORS.

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Appearance:

MR SP MAJMUDAR(3456) for the Appellant(s) No. 1

MS RADHIKA M BHATT(12910) for the Appellant(s) No. 1

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**CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

**Date : 14/10/2025**

**ORAL ORDER**

1. Heard learned advocate Mr. S.P. Majmudar with learned advocate Ms. Radhika M. Bhatt for the appellant.

2. After arguing for some time, under the instruction of his client, learned advocate Mr. Majmudar does not press the present Appeal from Order. Nonetheless, learned advocate for the appellant would request this Court that while remanding the matter back to the trial Court, the appellate Court has not clarified the position that counter claim filed by the appellant herein in the suit having dismissed, it only restored back on its original file, inasmuch as, respondents-plaintiffs never questioned the impugned judgment and

decree passed by the trial Court, whereby, the suit came to be dismissed.

3. The request made by the learned advocate Mr. Majmudar for the appellant appears reasonable, requires acceptance.

4. It appears that the appellant herein was defendant of Regular Civil Suit No. 632 of 2002, wherein the appellant-defendant filed counter claim. After hearing the parties, the trial Court vide its judgment and decree dated 31.03.2018 not only dismissed the suit but also dismissed the counter claim. It further remain undisputed on record that respondents -plaintiffs have accepted dismissal of her suit and appellant - defendant only challenged the dismissal of her counter claim. Further, the prayer made in the Regular Civil Appeal filed by the appellant herein before the appellate Court would also suggests that the appeal came to be filed only against dismissal of her counter claim in the suit.

5. So, in view of the aforesaid facts and circumstances of the case, it is hereby made clear and as such goes without saying that when the matter was remanded back by the appellate Court to the trial Court, the trial Court is required

to only decide the lis between the parties sofar as counter claim of the appellant- defendant is concerned and not required to decide civil suit filed by the respondents-plaintiffs.

6. The counter claim filed in the suit appears to have been institution in the year 2002, the trial Court is hereby directed to decide such suit as early as possible preferably on or before Six months from the date of receipt of copy of this order.

7. In view of the aforesaid, the present Appeal from Order is disposed of as withdrawn. No order as to cost.

8. Civil Application stands disposed of accordingly.

**(MAULIK J.SHELAT,J)**

SALIM/

Original copy of this order has been signed by the Hon'ble Judge.  
Digitally signed by: MOHAMMAD SALIM(HC01108), STENO GR II, at High Court of Gujarat on 15/10/2025 16:02:18