

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 492 of 2024**

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ARVINDBHAI AMBARAM PATEL & ORS.

Versus

DECD. KANKUBEN BECHARBHAI W/O ISHAWRBHAI PATEL THROUGH
HEIRS & ORS.

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Appearance:

MS TRUSHA PATEL SR ADVOCATE for

MR TATTVAM K PATEL(5455) for the Applicant(s) No. 1,2,3,4,5

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CORAM: HONOURABLE MR. JUSTICE SANJEEV J. THAKER

Date : 01/01/2025

ORAL ORDER

1. Heard learned senior advocate Ms. Patel for the applicants.
2. The present application has been filed challenging the order dated 29.08.2024 passed by the learned 3rd Additional Senior Civil Judge, Ahmedabad (Rural) at Navrangpura below Exh.24 in Regular Civil Suit No.28 of 2019 whereby the trial Court has rejected the application filed under Order VII Rule 11 of the Code of Civil Procedure, 1908.
 - 3.1 It is the case of the applicants that they are the legal heirs of deceased Ambaram Becharbhai Patel and the original plaintiffs are the legal heirs of sisters of late Ambaram Becharbhai Patel who died on 16.02.2002.
 - 3.2 During the lifetime all the sisters i.e. original defendants viz. Late Kankuben Becharbhai, Late Santokben Becharbhai and Late

Shangarben Becharbhai who died on 16.08.2016, 30.05.2013 and 31.12.2007, no right with respect to the suit property is claimed. It is also the case of the applicants that original plaintiffs have suppressed the fact that during their lifetime of their predecessors they have relinquished their right in the suit property.

4. Having considered all these aspects and having considered the arguments of learned senior advocate Ms.Trusha Patel, the matter requires consideration. Hence, **Notice** returnable on 23.01.2025. In the meantime, prayer in terms of para:8(D) is granted till the next date of hearing.

Direct service is permitted.

(SANJEEV J.THAKER,J)

MISHRA AMIT V.

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: AMIT VISHNUPRASAD MISHRA(HC00187), Principal Pvt. Secretary, at High Court of Gujarat on 02/01/2025 11:46:10