

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SECOND APPEAL NO. 397 of 2018

With

CIVIL APPLICATION (FOR STAY) NO. 1 of 2018

In R/SECOND APPEAL NO. 397 of 2018

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GORDHANBHAI RUDABHAI PATEL

Versus

MELAJI SHAKRAJI THAKOR

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Appearance:

MR NV GANDHI(1693) for the Appellant(s) No. 1

NOTICE SERVED BY DS(5) for the Respondent(s) No. 1,2,3

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CORAM: **HONOURABLE DR. JUSTICE A. P. THAKER**

Date : 21/01/2022

ORAL ORDER

Order in Second Appeal

Heard learned advocate Shri N.V. Gandhi for the appellant. None has appeared for the respondents though served.

Admit.

Following substantial questions of law are raised for the consideration of this Court in the Second Appeal.

(1) In the facts and circumstances of the case, whether the impugned consent decree obtained by the respondents would be void-ab-initio in view of Section 8 of the Transfer of Properties Act, 1881?

(2) In the facts and circumstances of the

case, whether suit is barred by non-joinder of necessary and property party?

(3) In the facts and circumstances of the case, whether the suit for prohibitory injunction relating to vacant open agricultural land would be maintainable though complicated question of title is involved?

Order in Civil Application

Heard learned advocate Shri N.V. Gandhi for the applicant. None has appeared for the respondents though served.

Notice returnable on 22.02.2022.

Since the questions relating to property is involved, let both the parties maintain status-quo of the property in question as on today, till the returnable date.

piyush

(DR. A. P. THAKER, J)