

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL REVISION APPLICATION NO. 574 of 2025**

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AUDICHEM INDIA LIMITED

Versus

SADHU KESHAVLAL LAKHMANDAS (LAKSHMANDAS) & ORS.

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Appearance:

GANDHI LAW ASSOCIATES(12275) for the Applicant(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE SANJEEV J. THAKER

Date : 23/09/2025

ORAL ORDER

1. The present Revision Application is filed challenging the order passed by the trial Court in Regular Civil Suit No.212 of 2024 whereby application under the provision of Order VII Rule 11 of the Code of Civil Procedure has been rejected.

2. Learned advocate for the defendant states that the present suit has been filed challenging the sale deed that has been executed on 22.07.1997 and pursuant to the said sale deed, mutation entry has also taken place on 03.09.1997, whereby mutation entry No.4062, the name of the defendant was entered in the revenue record. Therefore, the suit that has been filed is challenging the sale deed that has been executed by the plaintiffs themselves in the year 1997, and therefore, it has been argued that the plaint is required to be rejected by the trial Court in view of the fact that the plaint is time barred, the trial Court could not have rejected the application filed under the provision of Order VII Rule 11 of the Code of Civil Procedure.

3. Having heard learned advocate for the defendant. The fact remains that the plaintiffs themselves are signatory to the sale deed executed on 22.07.1997 and the plaintiffs have come forward with a case that they were told that the document which they have executed was for mortgaging the property. In view of section 92 of the Evidence Act, when the terms of the contract are required by law to be reduced in the form of writing, no oral evidence of any agreement shall be admitted. In view of the fact that the plaintiffs have come forward with a case that in the guise of executing mortgage deed the defendant has got sale deed executed which would entitle the plaintiffs to file the civil suit. The said suit is filed after a period of 26 years, therefore, this Court is of the opinion that present matter requires consideration.

4. Hence, **Notice** returnable on **25th November, 2025**. In the meantime, interim relief in terms of paragraph No.7(C) is granted.

(SANJEEV J.THAKER,J)

Manoj Kumar Rai

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: MANOJKUMAR RAI(HC01072), PRIVATE SECRETARY, at High Court of Gujarat on 26/09/2025 12:17:01