

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL REVISION APPLICATION NO. 599 of 2025**

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HEIRS OF DECD. HIRABEN MANILAL PATEL & ORS.

Versus
CHATURJI BUDHAJI THAKOR & ANR.

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Appearance:

MR BHAVESH BABARIYA(6788) for the Applicant(s) No. 1,1.1,1.2,1.3,1.3.1,1.3.2,1.3.3,1.4,1.5,1.6,1.7

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CORAM: HONOURABLE MR. JUSTICE SANJEEV J. THAKER

Date : 13/10/2025

ORAL ORDER

1. The present Revision Application is filed challenging the order passed below Exhibit-15/16, dated 06.08.2025 in Civil Suit No.174 of 2024 whereby application under the provision of Order VII Rule 11 of the Code of Civil Procedure has been rejected.

2. Learned senior advocate for the petitioner has drawn attention of this Court that the suit filed by the plaintiff is with respect to survey No.392 and the entire documents produced by the plaintiff is with respect to survey No.392.

3. In view of the said fact, after the death of Manilal Patel, the name of his wife Hiraben Manilal Patel, entered in the revenue record. If the documents produced alongwith the list are taken into consideration, no documents by the plaintiff to suggest that since the year 1944, name of Manilal stated in the revenue record, and therefore, no cause of action has arisen for the plaintiff to file the suit. Moreover, it has also been argued that the plaintiff has also tried to challenge the revenue entry

even beyond the period of limitation, and therefore, the plaint is required to be rejected. It has been argued by the learned senior advocate for the petitioner that the dispute is pertaining under section 84 of the Act, and therefore, the trial Court could not be rejected the application filed under Order VII Rule 11 of the Code of Civil Procedure.

4. Having heard learned senior advocate for the petitioner and having considered the plaint and documents annexed with the plaint, the fact remains that the entire suit of the plaintiff is with respect to survey No.392 and if the facts are taken into consideration, there are no documentary evidence to support the fact that the plaintiff has any right in respect of survey No.392. The plaintiff has also tried to proceed with Civil Suit No. 174 of 2024 but on persual of the said suit, the same is also with respect to survey No.392 and not with respect to survey No.394.

5. In view of the same, the presen Revision Application requires consideration.

6. Hence, **Notice** returnable on **4th December, 2025**. In the meantime, interim relief in terms of paragraph No.9(c) is granted.

Manoj Kumar Rai

(SANJEEV J.THAKER,J)