

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 451 of 2023**

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GOHIL RAMANBHAI DAHYABHAI

Versus

LH OF DECD. MAHENDRAKUMAR PARSHOTTAMDAS DUDHIA

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Appearance:

MR M. B. GANDHI, LD. SR. COUNSEL WITH MR CHINMAY M

GANDHI(3979) for the Applicant(s) No. 1

MS NIKITA C GANDHI(11570) for the Applicant(s) No. 1

for the Opponent(s) No. 1,1.1,1.2

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN**Date : 10/11/2023****ORAL ORDER**

1. Mr M. B. Gandhi, learned senior counsel appearing for the applicant submitted that the suit premises, was rented by the previous owner in favour of the applicant. A suit was filed by the subsequent owner raising various grounds namely, arrears of rent, change of use etc. It is submitted that so far as change of use is concerned, on the basis of the evidence on record, the learned trial court, had concluded that the use was permitted by the previous owner and thereafter, the plaintiff did not take any objection though he purchased the property in the year 1981. It is submitted that without considering the said aspect of waiver, the Appellate Court, formulating the issue, decided the issue against the applicant. It is submitted that the factum of the usage, was strengthened by the previous owner addressing a letter to the Collector admitting the said fact.

2. Considered the submissions. Issue notice to the respondents,

returnable on 18.12.2023. Till the next date of hearing, authorities are directed not to take any coercive steps.

RAVI P. PATEL

(SANGEETA K. VISHEN,J)