

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 450 of 2023**

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LH OF SIDIQ CHANDBHAI BANGDIWALA
Versus
DILIP NARSINGRAO ARAGADE

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Appearance:

MR.NANDISH H THACKAR(7008) for the Applicant(s) No. 1,1.1,1.2,1.3,2,2.1
for the Opponent(s) No. 1,2

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CORAM:HONOURABLE MS. JUSTICE SANGEETA K. VISHEN

Date : 08/11/2023

ORAL ORDER

1. Mr.Nandish Thackar, learned advocate for the applicants submitted that the suit was filed by the respondent, seeking eviction of the applicants on the grounds, namely, there has been an alteration without permission, the premises is in a dilapidated condition and the suit premises may not be transferred to any another parties. The learned Judge, while dismissing the suit, has considered the admission on the part of the plaintiff that there was a staircase available from all the shops for access to the first floor. It is submitted that as regards condition of the premises being dilapidated, it was not believed on the basis of the evidence available and the suit, came to be dismissed. In the appeal, the Appellate Court was of the opinion that the premises required the repairing. Repairing was never an issue either before the Court below or before the Appellate Court. The issue was only limited to the condition of the premises being dilapidated.

2. So far as staircase is concerned, there was a clear admission; however, the Appellate Court, disregarded the said admission. With

this, the appeal came to be allowed and the applicants have been directed to hand over the possession. The Appellate Court was pleased to give time to vacate and hand over the property within 60 days, which will be getting over today.

3. Considered the submissions. Issue notice to the respondents, returnable on **15.12.2023**.

4. In the meantime, parties are directed to maintain status-quo. Direct service is permitted.

Hitesh

(SANGEETA K. VISHEN,J)