

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/MISC. CIVIL APPLICATION (FOR RESTORATION) NO. 2646 of 2025
In F/SPECIAL CIVIL APPLICATION/25256/2025

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HADIYAL(HARIJAN) GAGDASBHAI NATHABHAI (KARTA OF HIERS
MURHAM NATHABHAI JETHABHAI HUF)

Versus
STATE OF GUJARAT & ORS.

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Appearance:

MR. PARAM. S. DAVE(14217) for the Applicant(s) No. 1
MR JAYNEEL PARIKH, AGP for the Opponent(s) No. 1,2,3,4,5

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CORAM:HONOURABLE MS. JUSTICE VAIBHAVI D. NANAVATI

Date : 02/02/2026

ORAL ORDER

1. Heard Mr. Chitrajeet Upadhyay, the learned advocate appearing for the applicant herein wherein by way of present application, applicant herein seeks circulation of the Special Civil Application No.25256 of 2025 by dispensing the certified copies of the impugned orders.

2. Upon such submissions having been made by Mr. Chitrajeet Upadhyay, the learned advocate appearing for the applicant herein, this Court by order dated 05.12.2025 requested learned AGP, Mr. Jayneel Parikh to verify the respondents No.3 and 4 with respect to the availability of the orders dated 11.10.1976 passed in

Tenancy Case No.561/76 and order dated 21.05.1977 for Revenue Survey No.120 (New Survey No.96), order dated 24.07.1978 and order dated 19.06.1979, if they are available from the record. Mr. Parikh, upon verification, submits that the said orders are not available.

3. Mr. Upadhyay has placed on record communications dated 19.08.2025 and 21.08.2025 duly addressed to the applicant herein issued by the Deputy Collector, Tharad and Mamlatdar, Tharad respectively wherein it is stated that upon verification, the record is not available with the respondent – authority. In view thereof, it is submitted that the present petition be permitted to be circulated without asking for the certified copies of the impugned orders. Mr. Parikh, the learned AGP is not in a position to controvert the actual factual position and also states that upon verification, the record is not available with the respondent – State.

4. Upon such statement being made by Mr. Parikh, the learned AGP, in the interest of justice, the prayers as prayed for in the present application are such that they are required to be allowed in terms of para 10. The

present Civil Application stands allowed accordingly.

5. Registry to circulate the Special Civil Application No.25256 of 2025 by dispensing the certified copies.

6. Other office objections, if any, are directed to be removed on or before the returnable date.

Stand over to 09.02.2026.

(VAIBHAVI D. NANAVATI,J)

MAYA

Original copy of this order has been signed by the Hon'ble Judge.

Digitally signed by: MAYA SHANKERLAL CHAUHAN(HC01402), PRIVATE SECRETARY, at High Court of Gujarat on 04/02/2026 19:11:57