

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 4206 of 2024**

**With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2024
In R/FIRST APPEAL NO. 4206 of 2024**

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VIJAYKUMAR DAYARAMDAS MAHANT

Versus

BACHUBHAI CHHOTUBHAI PATEL & ORS.

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Appearance:

MR ARPIT A KAPADIA(3974) for the Appellant(s) No. 1

BHAGIRATH N PATEL(9016) for the Defendant(s) No. 1,2,3,4,5

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CORAM:HONOURABLE MS. JUSTICE NISHA M. THAKORE

Date : 04/12/2024

ORAL ORDER

Learned senior advocate Mr. Percy Kavina has appeared with learned advocate Mr. B.N. Patel, who appears on caveat for the respondents, and has submitted that in view of Rule 217 of the Gujarat High Court Rules, 1993, the present appeal is required to be heard by the Division Bench of this Court taking up the First Appeals under the special Act as per the present roster.

Learned senior advocate Mr. Mehul S. Shah appearing with Mr. Arpit A. Kapadia, learned advocate on record for the appellant, submits that in fact reading the provision itself what is indicated, is the procedure prescribed for the First Appeal under the Special Acts

has to be applied; merely because the reading refers to the hearing of the appeals to be made by Division Bench in case of appeals arising under the special act, would not governed the field.

Considering the submissions of learned senior advocates, Registry is directed to examine the allocating of the First Appeal. List this matter before the appropriate court on **09.12.2024**.

SUYASH SRIVASTAVA

(NISHA M. THAKORE,J)