

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 16073 of 2025

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LHR OF LATE LAXMANBHAI RANCHHODBHAI GANDHI DEVANSHU
LAXMANBHAI GANDHI DEVANSHU LAXMANBHAI GANDHI & ORS.

Versus

LATE AMATHIBEN THAKOR D/O LATE NATHAJI DAHYAJI AND W/O LATE
BABAJI GANGAJI THAKOR & ORS.

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Appearance:

MR ASHISH H SHAH(2142) for the Petitioner(s) No. 1,2,3

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI

Date : 09/02/2026

ORAL ORDER

1. Heard learned Senior Advocate Mr. Mihir Thakore, assisted by learned advocate Mr. Ashish Shah, for the petitioners.

2. It is contended that the suit filed by the respondents – original plaintiffs came to be dismissed, against which an appeal was preferred by the original plaintiffs. In the said appeal, the application at Exhibit – 5 came to be allowed. Pursuant to the order dated 25.06.2025 passed by the Co-ordinate Bench of this Court, the present petitioners preferred an application at Exhibit – 35 seeking to vacate the said order. The learned Trial Court, while deciding Exhibit – 5 and Exhibit – 35 in the aforesaid Civil Appeal, partly allowed Exhibit – 35, and the order dated 19.02.2025 (wrongly mentioned as 19.02.2024) came to be set aside. However, the learned Additional District Judge allowed the application at Exhibit – 5 and ordered stay of the judgment and decree dated 25.10.2024 passed in the Regular Civil Suit. Learned

Senior Advocate for the petitioners further contended that once the Regular Civil Suit is dismissed on merits, any ad-interim relief granted pending the suit would automatically come to an end. It is further contended that there is no *prima facie* case in favour of the respondents – original plaintiffs.

3. Having considered the submissions canvassed by the learned Senior Advocate for the petitioners and upon perusal of the record, it appears that the application at Exhibit – 35 was filed for rejection of the interim order of injunction. Once the application at Exhibit – 35 is partly allowed, the application at Exhibit – 5 filed by the respondents – original plaintiffs would naturally stand rejected insofar as the prayers overlapping with Exhibit – 35 are concerned. However, the learned District Court has allowed the application at Exhibit – 5 in its entirety. The issue, therefore, requires consideration.

4. Issue Notice to the respondents. In the meantime, the operation and implementation of the impugned order passed by the learned 3rd Additional District Judge, Ahmedabad (Rural), is stayed till the next date of hearing.

5. Stand over to 10.04.2026.

(D. M. DESAI,J)

MUSKAN