

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 16930 of 2025**

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DHIRAJLAL VALLABHBHAI KATHIRIYA & ANR.

Versus

LEGAL HEIRS OF DECEASED MADHUBHAI VIRJIBHAI DOMADIYA &
ORS.

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Appearance:

MR. BHAUMIK DHOLARIYA(7009) for the Petitioner(s) No. 1,2

MR ANUP S BHAVSAR(10208) for the Respondent(s) No. 1.2,1.3,1.4,1.5,1.6

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CORAM:HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 17/02/2026****ORAL ORDER**

1. Heard learned advocate Mr. Bhaumik dholariya for the petitioners and learned advocate Mr. Anup S. Bhavsar for the respondents.

2. The submission of learned advocate for the petitioners is suit properties were having Survey Nos.86 paiki and 85/1 paiki. Subsequently, in the revenue records, the number of suit properties got changed and new numbers appeared in the revenue record as 86/1 and 85/1 paiki 3.

3. Learned advocate for the petitioners has taken this Court through various revenue entries placed on record at page

Nos.78, 83, 85, 91 and 92. It is further contended that the judgment debtor also tried to mutate their names in the revenue record pertaining to revenue Survey Nos.86/1 and 85/1 paiki 3, which entries came to be rejected by the Competent Authority in the year 2011. Learned Executing Court while considering the application Exhibit-58 rejected the draft sale deed produced by the judgment debtor on the ground that the decree pertains to Survey Nos.86/paiki and 85/1 paiki whereas the draft sale deed mentions suit properties as Survey Nos.86/1 and 85/1 paiki 3. It is submitted that suit properties originally mentioned in the plaint are the same as appears in revenue record as on today. The measurement of land bearing Survey Nos.86/1 paiki and 85/1 paiki 3 is the same as that of Survey Nos.86/1 and 85/1 paiki.

4. *Per contra*, learned advocate for the respondents has contended that the revenue record which are relied upon by learned advocate for the petitioners before this Court were not

made part of the original suit and therefore, he needs time to verify those revenue records.

5. The question requires consideration with regard to survey numbers of suit properties, Rule returnable on 27.04.2026.

6. In the meantime, proceedings of the Regular Execution Petition No.28 of 2017 (Old Regular Execution Petition No.70 of 2010) are stayed till the next date of hearing.

RINKU MALI

(D. M. DESAI,J)