

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO. 3805 OF 2025  
IN  
SUIT NO. 218 OF 2022

Vaibhav Kantilal Dattani & Ors.

...Applicants/Plaintiffs

Versus

Nalinkant Devchandbhai Kakkad & Ors.

...Defendants

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Adv. Dhishan Kukreja a/w Suraj Dube, Chandni Sabnani for the Applicants.

Adv. Aseem Naphade i/b A. P. Singh for the Defendants.

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CORAM : ARIF S. DOCTOR, J.

DATE : 9<sup>th</sup> MAY, 2025

**P.C. :**

1. Parties have tendered draft minutes or order dated 9<sup>th</sup> May 2025 which is taken on record. Order in terms of the minutes or order.
2. For ease of reference a scanned copy of the minutes of order is reproduced hereinbelow :

THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISIDCTION  
INTERIM APPLICATION NO. (L) 3805 OF 2025  
IN  
SUIT NO. 218 of 2022

Vaibhav Kantilal Dattani & Ors. ..Applicants

In the matter between

Vaibhav Kantilal Dattani & Ors. ..Plaintiffs

Versus

Nalinkant Devchandbhai Kakkad & Ors. ..Defendants

Coram: His Lordship Hon'ble Mr.

Justice Arif Doctor

MINUTES OF ORDER

By consent of parties, Order dated 10<sup>th</sup> May 2022 passed in Interim Application No.4087 of 2022 stands modified to the extent below:

1. Late Ms.Prafulbala Haridas Dattani ("**deceased**") owned *inter alia* 1/6<sup>th</sup> share only ("**share**") in the following two properties:
  - (i) Property being Tajawala Supermarket & Himalaya Guest House, comprising land and building (G+2 floors), situated on land near

Bapu's Bavla, Lakhaji Raj Road, Rajkot 360 001, City Survey No.675/1, Gujarat. ("**Tajawala property**")

- (ii) Property situated at Old Property No. D0022270 and New Property No. 1005/D0022270, comprising land and structure having only ground floor, situated at Lathi Bazaar, Bhagwanji Kalyanji Kheraj's Co., in City Survey Nos. 211, 212, 550 and 551 in Ward No.2, known as Pala property, Porbandar 360 575. ("**Pala Property**")

2. The Tajawala property shall be sold by public auction to be undertaken by Court Receiver of the Hon'ble Court. Sale consideration to be received only in respect of share of deceased i.e. 1/6<sup>th</sup> in Tajawala property shall be deposited with the Hon'ble Court. The Court Receiver shall deposit the sale consideration in respect of share of deceased with the Hon'ble Court. The said deposit shall be invested initially in a fixed deposit of a Nationalized Bank (thereafter to be renewed from time to time) till the hearing and final disposal of Suit No.218 of 2022. The respective co-owners of Tajawala property as set out in present Interim Application shall be unconditionally entitled to the balance amount from sale consideration (i.e. other than the sale consideration in respect of share of deceased)

3. The Applicants are permitted to unconditionally sell the share of the deceased in Pala property and to appropriate to themselves the entire sale consideration to be received in respect of share of deceased in Pala property.
4. Except as stated herein, Order dated 10<sup>th</sup> May 2022 continues to bind parties thereto.
5. No Order as to costs.

Date: 9<sup>th</sup> May 2025  
  
Advocate for Applicants

  
Advocate for Defendants

2. In view of the above, the order dated 10<sup>th</sup> May, 2022, shall now stands modified to the extent stated above. This order has passed without prejudice to the all rights and contentions of both parties in other proceedings

which are pending between them. It pertains only to the properties mentioned above.

**(ARIF S. DOCTOR, J.)**