

HOUSE "M", MONDEAL RETAIL PARK, BETWEEN ISKCON TEMPLE AND RAJPATH CLUB, S. G. HIGHWAY,
BODAKDEV, AHMEDABAD - 380059. PHONE : (O) 079 - 29710100, 29710200 E-mail : janiandco@gmail.com

REF. NO. 12434/2021

To,
Constera Realty Pvt. Ltd.



TITLE CERTIFICATE CUM TITLE REPORT

Reg.:- Non Agricultural land totally admeasuring 17,086.20 Sq. mtrs. forming part of Sub Plot No. 1 of Final Plot No. 297/1/2 + 297/4/1+ 297/2/2 and Final Plot No. 297/1/1/2 + 297/4/2/2 +297/2/1/2 +297/3/1/2 (given in lieu of Block No. 64/A/2, Block No. 65/B/2, Block No. 67/A/2, Block No. 70/A/2, Block No. 64/B, Block No. 65/A and Block No. 67/B/1) in Draft Town Planning Scheme No. 217 (Bhadaj- Shilaj- Sola- Hebatpur- Thaltej) (given in lieu of Block No. 64/A/2, Block No. 65/B/2, Block No. 67/A/2, Block No. 70/A/2, Block No. 64/B, Block No. 65/A and Block No. 67/B/1) in Draft Town Planning Scheme No. 217 (Bhadaj- Shilaj- Sola- Hebatpur- Thaltej) situate, lying and being at Moje Hebatpur, Taluka Ghatalodiya and in the Registration District of Ahmedabad and Sub District of Ahmedabad - 09 (Bopal) and belonging to Constera Realty Pvt. Ltd.

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As per instructions, we have investigated the titles of the above referred land and have caused to be taken searches (partly manual and partly computerized up to date of search i.e. 11-08-2021) of available revenue and registration record for last 30 years through our search clerk and from that and from the information given to us and believing the same to be true, correct and trustworthy and

also believing the revenue records/ documents/ papers/copies etc lying in his/its file to be true and genuine, and also based upon the information given to us that no transfer/agreement was made in respect of the land during the period for which the record is not available which would make the title defective, we hereby give our certificate cum report on title as under:

- 1) That as per notification no. Kon -- Ahmedabad.184 dated 17-03-1964 passed by the Settlement Commissioner and Land Record Inspector published on page no. 915 of the Gazette of Gujarat Government, Baroda Department on 26-03-1964 and vide order bearing no. Kon/Hebatpur dated 23-09-1964, amalgamation scheme became applicable to the land of village Hebatpur and as per the said resolution, Amalgamation sheet were prepared and given Block No.'s to different Survey No.'s. Mutation Entry to the said effect was made in the revenue record of the said land by entry No. 775 dated 17-07-1965.
- 2) That in above referred mutation entry no. 775 of amalgamation scheme, the details pertaining to occupier and area of block no's. were not mentioned. Hence New Mutation Entry was entered in revenue record and details of Block No.'s and its occupier were mentioned in the following manner:-

| Sr. No. | Survey No. | Block No. | Area (in mAcre -Gs.) | Occupier Names                                             |
|---------|------------|-----------|----------------------|------------------------------------------------------------|
| 1.      | 67         | 64        | 03-27                | (1) Ranchhodbhai Chhaganbhai and (2) Joitabhai Chhaganbhai |
| 2.      | 68         | 65        | 02-05                | Ramabhai Chhaganbhai Prajapati                             |
| 3.      | 69         | 67        | 02-26                | (1) Ranchhodbhai                                           |



|    |      |    |       |                                             |
|----|------|----|-------|---------------------------------------------|
|    |      |    |       | Chhaganbhai and (2)<br>Joitaram Chhaganbhai |
| 4. | 73/2 | 70 | 01-09 | Prahladbhai Jesangbhai                      |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 784 dated 17-01-1966.

- 3) That prior to the Amalgamation scheme, said Prahladbhai Jesangbhai had sold the said land bearing Survey No. 73/2 (presently given Block No. 70) admeasuring Acre 01-09 Gs. to (1) Ranchhodbhai Chhaganbhai Prajapati and (2) Joitaram Chhaganbhai. Mutation Entry to the said effect was made in the revenue record vide Entry No. 767. However in the Amalgamation Sheet name of Prahladbhai Jesangbhai was appeared.
- 4) That in mutation entry no. 933, it is held that the sale deed of land bearing Survey No. 68 (Block No. 65) executed in favour of Prajapati Ramabhai Chhaganbhai is valid as both the parties were Agriculturist and also ordered to close the proceedings under the Tenancy Act. Mutation Entry to the said effect was made in the revenue record vide Entry No. 933 dated 17-01-1979.
- 5) That in mutation entry no. 934, it is held that sale deed of land bearing Survey No. 69 (Block No. 67) executed in favour of (1) Ranchhodbhai Chhaganbhai and (2) Joitaram Chhaganbhai is valid as both the parties were agriculturist. Mutation Entry to the said effect was made in the revenue record vide Entry No. 934 dated 17-01-1979.
- 6) That said Ranchhodbhai Chhaganbhai died intestate on 13-01-1982. Hence names of his heirs viz. (1) Joitiben wd/o Ranchhodbhai (2) Kashiram Ranchhodbhai (3) Amrutlal Chhaganbhai (4) Jagdishbhai Ranchhodbhai (5) Vallabhbhai and (6) Kanaiyalal Ranchhodbhai were entered in the



revenue record of the land bearing Block No. 64, 67 and 70. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1061 dated 06-06-1982.

- 7) That as per provision of Tenancy Act, proceedings under Sec. 84C of Tenancy Act was initiated against (1) Ramabhai Chhaganbhai (2) Joitabhai Chhaganbhai (3) Ranchhodbhai Chhaganbhai (4) Chimanlal Joitabhai and (5) Dinubhai Joitabhai. However (1) Ramabhai Chhaganbhai (2) Joitabhai Chhaganbhai (3) Ranchhodbhai Chhaganbhai (4) Chimanlal Joitabhai and (5) Dinubhai Joitabhai were owners of agricultural land in the Village Makaraba of Taluka City, hence proceedings under Sec. 84 C of Tenancy Act were dropped with respect to land bearing Block No. 64, 65, 67, 70 and other lands. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1152 dated 01-01-1987.
- 8) That said Joitaram Chhaganbhai died intestate on 10-12-1987, hence names of his heirs viz. (1) Jeevatben wd/o Joitaram (2) Sitaben Joitaram (3) Dineshbhai Joitaram (4) Padmaben Joitaram (5) Vijaybhai Chimanlal (6) Hansaben wd/o Chimanlal (7) Minor Meetaben through her guardian Hansaben and (8) Minor Lataben through her guardian Hansaben were entered as Co. owners of the land bearing Block No. 64, 67 and 70. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1178 dated 30-05-1988.
- 9) That said (1) Jeevatben wd/o joitaram (2) SitabenJoitaram (3) Padmaben Joitaram (4) Hansaben wd/o Chimanlal (5) Minor Meetaben through her guardian Hansaben and (6) Minor Lataben through her guardian Hansaben released their rights from the land bearing Block No. 64, 67 and 70. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1179 dated 30-05-1988.



- 10) That said (1) Amarabhai Nagajibhai Bharvad (2) Gafurbhai Nagajibhai Bharvad (3) Raghubhai Nagajibhai Bharvad and (4) Jivanbhai Nagajibhai Bharvad had instituted a Civil Suit No. 554/2001 before the Ahmedabad Civil Judge (Rural) against (1) Joitiben wd/o Ranchhodbhai (2) Kashiram Ranchhodbhai (3) Amrutbhai Ranchhodbhai (4) Jagdishbhai Ranchhodbhai (5) Vallabbhai Ranchhodbhai (7) Dinubhai alias Dineshbhai Ranchhodbhai (8) Vijaybhai Ranchhodbhai and (9) Ramabhai Chhaganbhai. In the said suit the plaintiffs had claimed that they had cultivated the said land bearing Survey No. 63/1, 67, 68, 73/2 from 45 years and also they are doing farming activity along with animal husbandry since many year. Therefore they have right, title and interest in the said suit land as per provision of the Tenancy Act and also the said suit lands was possessed by the plaintiffs. Hence the plaintiffs had prayed for to grant permanent injunction against the Defendants or their agents, servant from transferring, selling, mortgaging the said suit lands to any third parties.

- 11) That a Family Partition took place between Ramabhai Chhaganbhai and other family members pursuant to which the land bearing Block No. 64,65, 67 and 70 came to the share of following persons:-

| Sr. No. | Block No. | Occupier Names                                                                                                          |
|---------|-----------|-------------------------------------------------------------------------------------------------------------------------|
| 1.      | 64        | (1) Ramabhai Chhaganbhai (2) Dineshbhai Joitaram (3) Vijaybhai Chimanlal and (4) Joitiben wd/o Ranchhodbhai Chhaganbhai |
| 2.      | 65        | (1) Joitiben wd/o Ranchhodbhai Prajapati and (2) Dineshbhai Joitaram and (3) Ramabhai Chhaganbhai                       |
| 3.      | 67        | (1) Ramabhai Chhaganbhai (2) Joitiben Ranchhodbhai (3) Dineshbhai Joitaram and (4) Vijaybhai Chimanlal                  |

|    |    |                                                                                                         |
|----|----|---------------------------------------------------------------------------------------------------------|
| 4. | 70 | (1) Ramabhai Chhaganbhai (2) Dineshbhai Joitaram (3) Vijaybhai Chimanbhai and (4) Joitiben Ranchhodbhai |
|----|----|---------------------------------------------------------------------------------------------------------|

Mutation Entry to the said effect was made in the revenue record vide Entry No. 1534 dated 20-06-2001.

- 12) That said Ramabhai Chhaganbhai Prajapati died intestate on 26-11-2003. Hence names of his heirs viz. (1) Jamanaben wd/o Ramabhai Chhaganlal (2) Naginbhai Ramabhai (3) Kantibhai Ramabhai (4) Maheshbhai Ramabhai (5) Manjulaben Ramabhai (6) Geetaben Ramabhai and (7) Hasumatiben Ramaben were entered as Co-owners of the land bearing Block No. 64, 65, 67 and 70. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1604 dated 17-09-2005.
- 13) That said (1) Kantibhai Ramabhai Prajapati and (2) Vallabhbhai Ranchhodbhai Prajapati had instituted a Civil Suit No. 1193/2006 before the Ahmedabad City Civil Court against (1) Maheshbhai Ramabhai Prajapati (2) Naginbhai Ramabhai Prajapati (3) Jamanaben wd/o Ramabhai Prajapati (4) Amrutlal Ranchhodbhai Prajapati (5) Jagdishbhai Ranchhodbhai Prajapati (6) Heirs of Kashiram Prajapati (a) Manojbhai Kashiram and (b) Jayeshbhai Kashiram (7) Kanaiyalal Ranchhodbhai Prajapati (8) Dineshbhai Joitaram Prajapati and (9) Vijaybhai Chimanlal Prajapati. In the said suit the plaintiffs had claimed that they have right, title and interest in the said land bearing Block No. 64,65,67,70 of village Hebatpur and several other properties as the said suit lands were ancestral properties. The Plaintiff had alleged that defendant no. 1 to 3 had by fraudulent WILL of their father viz. Ramabhai Prajapati bequeath rights in the said suit land in their favour. Moreover they have also registered the said fraudulent WILL before the Sub Registrar. Hence plaintiff had prayed for to grant permanent



injunction against the defendants or thereby agents, servant from transferring, selling, mortgaging the said suit lands to any third parties.

14) That one (1) Madhuben w/o Dineshkumar Joitaram (2) Sarika Dineshkumar (3) Nilam Dineshkumar (Sr. 2 and 3 are through their power of attorney holder Bharatkumar Dineshbhai Prajapati)(4) Pankti Dineshkumar (5) Bharatkumar Dineshbhai Prajapati had instituted a Regular Civil Suit No. 654/2006 before the Principal Civil Judge Ahmedabad against (1) Dineshkumar Joitaram Prajapati (2) Vijaybhai Chimanbhai Prajapati (3) Joitiben wd/o Ranchhodbhai Chhaganbhai (4) Kashiram Ranchhodbhai (5) Jagdishbhai Ranchhodbhai (6) Kanaiyalal Ranchhodbhai and (7) Ramabhai Chhaganbhai. In the said suit plaintiffs had claimed that they have right, title and interest in the said land bearing Block No. 64,67 and 70 and other lands as the said suit lands are ancestral property of Joitaram Chhaganlal. The plaintiffs had alleged that defendant no. 1 had sold the said suit lands to third party. Hence Plaintiffs had prayed for to grant permanent injunction against the Defendant No. 1 or thereby agents, servant from transferring, selling, mortgaging the said suit lands to any third parties.

15) That said Ramabhai Chhaganbhai Prajapati died on 26-11-2003, left behind him a WILL, whereby he has bequeath his right, title and interest in the said land bearing Block No. 64, 65, 67, 70 and other lands to (1) Jamanaben wd/o Ramabhai and (2) Maheshbhai Ramabhai. The said WILL was executed before the Notrary Public Rekha J. Vasubandhu at Serial No. 695/2003 on 12-11-2003. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1689 dated 29-05-2007.

That thereafter Mamlatdar, Daskroi by his order

bearing No. R.T.S./ Takrari Case No. 238/07 dated 16-09-2008, ordered to cancel the mutation entry no. 1689 as the Notice under Sec. 135 D was not served and various litigation has been filed with respect to said WILL.

- 16) That it appears that said (1) Sitaben d/o Joitaram Chhaganlal and (2) Padmaben d/o Joitaram had made and application to the Talati of Hebatpur to enter their names on the revenue record of the land bearing Block No. 64, 65, 67 and 70 and the Talati of Hebatpur had not entered their names in the revenue records of the said lands. Therefore said Sitaben d/o Joitaram and others had filed a Writ Petition bearing Special Civil Application No. 4805/2008 before the Hon'ble High Court of Gujarat against State of Gujarat and others. The Hon'ble High Court of Gujarat by its order dated 17-03-2008, directed the Talati of Hebatpur Gram Panchayat to consider the application made by Sitaben d/o Joitaram and other and to enter the names of Sitaben d/o Joitaram and others in the revenue record of the land bearing Block No. 64, Block No. 65, Block No. 67, Block No. 70 and other lands. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1729 dated 12-05-2008.

Thereafter Mamlatdar, Daskroi by his order bearing No. R.T.S./ T.C. No. 328/08 dated 30-06-2009, ordered to cancel the said Mutation Entry No. 1729 dated 12-05-2008.

- 17) That one Amarabhai Nagajibhai and others had filed Ganot Case before the Mamlatdar and Agricultural Land Tribunal, Daskroi, claiming that they had cultivated the said land bearing Block No. 64, 65, 67, 70 and other lands as Tenant since many years and also had prayed for the fixation of purchase price of the said land as per provisions of the Tenancy Act. The Mamlatdar and Agricultural Land Tribunal, Daskroi by his order bearing Ganot Case No.



54/2002 and Case No. 55/2002, ordered to drop the proceedings under Sec. 70 B of Tenancy Act on the grounds appellant does not want to proceed the said matter. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1741 dated 11-07-2008.

- 18) That certain mistakes were found in the computerized record of land of Block No.64, hence Mamlatdar, Dascroi vide its order bearing No RTS/Record Promulgation/49/08 said mistakes are rectified and accordingly "Entry No. 6" was deleted from the 7-12 form of land bearing Block No.64. Mutation Entry to the said effect is made in the revenue record vide Entry No 1750 dated 30-08-2008.
- 19) That in respect to above referred Civil Suit No. 1193/2006, a Lis Pendens was registered by Kantibhai Ramabhai Prajapati before the Sub Registrar of Ahmedabad - 03 (Memnagar) at Serial No. 2481 on 04-04-2009 for land bearing Block No. 64,65,67 and 70. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1780 dated 23-04-2009, which was cancelled as stay order was not produced.
- 20) That said (i) Joitiben wd/o Ranchhodbhai died intestate on 13-01-1999 and (ii) Kashiram Ranchhodbhai died intestate on 18-09-2001; hence names of their heirs viz. (1) Heirs of Joitiben wd/o Ranchhodbhai (a) Amrutbhai Ranchhodbhai (b) Jagdishbhai Ranchhodbhai (c) Vallabhbhai Ranchhodbhai and (d) Kanaiyalal Ranchhodbhai (2) Heirs of Kashiram Ranchhodbhai viz. (a) Lalitaben alias Leelaben wd/o Kashiram (b) Manojbhai Kashiram (c) Jayeshbhai Kashiram and (d) Dakshaben Kashiram were entered as co-owners of the land bearing Block No. 64, 65, 67 and 70. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1826 dated 12-07-2010.

- 21) That said (1) Amrutbhai Ranchhodbhai (2) Jagdishbhai Ranchhodbhai (3) Vallabhbhai Ranchhodbhai (4) Kanaiyalal Ranchhodbhai (5) Lalitaben wd/o Kashiram (6) Manojbhai Kashiram (7) Jayeshbhai Kashiram and (8) Dakshaben Kashiram (all area as self and as Karta and Manager of their respective HUF sold and conveyed the said land bearing Block No. 64 paiki , 65 paiki, 67 paiki and 70 paiki to (1) Vallabhbhai Prahladbhai Patel and (2) Subhashbhai Prahladbhai Patel by different sale deeds before the Sub Registrar of Ahmedabad - 03 (Memnagar) in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtr.) | Registration No. and Date        |
|---------|-----------|--------------------|----------------------------------|
| 1.      | 64 paiki  | 4,957              | Serial No. 7382 dated 18-07-2006 |
| 2.      | 65 paiki  | 2,866              | Serial No. 7385 dated 18-07-2006 |
| 3.      | 67 paiki  | 3,574              | Serial No. 7384 on 18-07-2006    |
| 4.      | 70 paiki  | 1,652              | Serial No. 7378 dated 18-07-2006 |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 1827 dated 12-07-2010.

- 22) That said (1) Vallabhbhai Prahladbhai Patel and (2) Subhashbhai Prahladbhai Patel sold and conveyed the said land bearing Block No. 64 paiki , 65 paiki, 67 paiki and 70 paiki to Shashikant Vasudevabhai Patel by different sale deed which was registered before the Sub Registrar of Ahmedabad - 03 (Memnagar) in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtr.) | Registration No. and Date         |
|---------|-----------|--------------------|-----------------------------------|
| 1.      | 64 paiki  | 4,957              | Serial No. 12518 dated 14-12-2006 |
| 2.      | 65 paiki  | 2,866              | Serial No. 12520 dated            |

|    |          |       |                                      |
|----|----------|-------|--------------------------------------|
|    |          |       | 14-12-2006                           |
| 3. | 67 paiki | 3,574 | Serial No. 12523 dated<br>14-12-2006 |
| 4. | 70 paiki | 1,652 | Serial No. 12521 dated<br>14-12-2006 |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 1828 dated 12-07-2010.

- 23) That said (1) Sitaben d/o Joitaram Prajapati and (2) Padmaben d/o Joitaram had instituted Regular Civil Suit No. 771/2010 before Civil Judge (Rural) at Ahmedabad against (1) Vijay Chimanlal Prajapati (2) Lataben d/o Chimanlal Prajapati (3) Mitaben d/o Chimanlal Prajapati and (4) Dinesh Joitaram Prajapati. In the said suit, the plaintiffs had claimed that they have right, title and interest in the said suit lands as the said suit lands are ancestral properties. The Plaintiffs had alleged that their names were entered in the revenue record vide Entry No. 1178, however defendant no. 4 had by fraudulent manner released plaintiffs rights from the said suit lands by mutation entry no. 1179. Hence Plaintiffs had claimed for the partition of the said suit lands and to declare they have right, title and interest in the said suit lands and also had prayed for to grant permanent injunction against the defendants or thereby agents, servant from transferring, selling, mortgaging the said suit lands to any third parties.

- 24) That said Kantibhai Ramabhai Prajapati as self and as Karta and Manager of his HUF sold and conveyed his share in the said land bearing Block No. 64 paiki , 65 paiki, 67 paiki and 70 paiki to Shashikantbhai Vasudevabhai Patel by different sale deeds which was registered before the Sub Registrar of Ahmedabad - 03 (Memnagar) in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtr.) | Registration No. and Date |
|---------|-----------|--------------------|---------------------------|
|---------|-----------|--------------------|---------------------------|

|    |          |     |                                  |
|----|----------|-----|----------------------------------|
| 1. | 64 paiki | 708 | Serial No. 7292 dated 25-05-2010 |
| 2. | 65 paiki | 409 | Serial No. 7289 dated 25-05-2010 |
| 3. | 67 paiki | 510 | Serial No. 7290 dated 25-05-2010 |
| 4. | 70 paiki | 236 | Serial No. 7288 dated 25-05-2010 |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 1829 dated 12-07-2010.

That in respect to above referred Sale Deeds, (1) Shashiben w/o Kantibhai Ramabhai (2) Riteshbhai Kantibhai and (3) Vipulbhai Kantibhai has confirmed the above referred sale deed by Confirmation Deed which was Notarized before the Notary Public Piyush V. Panchal at Serial No. 220/2010 on 25-05-2010.

That in respect to above referred sale deeds Kantibhai Ramabhai Prajapati as self and as Karta and Manager of their respective HUF has executed Indemnity Bond which was Notarized before Notary Public Piyush V. Panchal at Serial No. 216/2010 on 25-05-2010.

- 25) That said Vijaybhai Chimanlal as self and as Karta and Manager of his HUF sold and conveyed the said land bearing Block No. 64 paiki and 65 paiki to Shashikant Vasudevabhai Patel by different sale deeds which was registered before the Sub Registrar of Ahmedabad - 03 (Memnagar) in the following manner:

| Sr. No. | Block No. | Area (in Sq. mtr.) | Registration No. and Date        |
|---------|-----------|--------------------|----------------------------------|
| 1.      | 64 paiki  | 2,479              | Serial No. 7293 dated 25-05-2010 |
| 2.      | 65 paiki  | 1,433              | Serial No. 7294 dated 25-05-2010 |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 1830 on 12-07-2010.

- 26) That being aggrieved by the order passed Mamlatdar and Agricultural Land Tribunal dated 08-10-2007 in Ganot Case No. 54/02 and Ganot Case No. 55/02, said Amarabhai Nagajibhai Bharvad and others had filed Appeal before Deputy Collector (Land Reforms and Appeal), Ahmedabad. The Deputy Collector (Land Reforms and Appeal), Ahmedabad by his order bearing No. Ganot Appeal No. 9/2008 dated 30-06-2010, rejected the said appeal and upheld the order dated 08-10-2007 passed by Mamlatdar and Agricultural Land Tribunal in Ganot Case No. 54/02 and Ganot Case No. 55/02. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1835 dated 17-08-2010.

- 27) That said Vijaybhai Chimanlal as self and as Karta and Manager of his HUF sold and conveyed the said land bearing Block No. 67 paiki and Block No. 70 paiki to Shashikant Vasudevabhai Patel by different sale deeds which was registered before the Sub Registrar of Ahmedabad - 3 (Memnagar) in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtr.) | Registration No. and Date         |
|---------|-----------|--------------------|-----------------------------------|
| 1.      | 67paiki   | 1,787              | Serial No. 15269 dated 01-12-2010 |
| 2.      | 70paiki   | 826                | Serial No. 15271 dated 01-12-2010 |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 1847 and Entry No. 1846 both dated 22-12-2010.

- 28) That said (1) Jamanaben wd/o Ramabhai (2) Maheshbhai Ramabhai and (3) Naginbhai Ramabhai had instituted a Special Civil Suit No. 820/2011 before the Civil Judge

(Rural) at Ahmedabad against (1) Kantibhai Ramabhai Prajapati and (2) Shashikant Vasudevbhai Patel. In the said suit the plaintiff had claimed that they have right, title and interest in the said suit land as the said property was belonging to Ramabhai who is husband and father of the plaintiffs. Prior to death of Ramabhai he had executed a WILL whereby he has bequeath his right in the said suit lands to plaintiffs. Moreover Plaintiff had also filed the Probate Application before the Hon'ble Court and still is pending. The plaintiffs had alleged that defendant no. 1 had illegally sold the said suit lands to Defendant No. 2 by different sale deeds. Hence plaintiff had prayed for to grant permanent injunction against the defendants or thereby agents, servant from transferring, selling, mortgaging the said suit lands to any third parties.

- 29) That said (1) Dineshbhai Joitaram Prajapati (2) Sitaben d/o Joitaram Prajapati and (3) Padmaben d/o Joitaram Prajapati had instituted a Special Civil Suit No. 821/2011 before the Civil Judge (Rural) at Ahmedabad against (1) Vijay Chimanlal Prajapati and (2) Shashikant Vasudev Patel. In the said suit plaintiff had claimed that they and defendant no. 1 are the co-owners of the said land bearing Block No. 64,65,67,70 and other lands as the said lands were ancestral properties whereby they have right, title and interest in the said suit lands. The Plaintiffs had alleged that defendant no. 1 had only 1/12<sup>th</sup> share in the said suit property he had sold 1/6<sup>th</sup> portion of the said suit lands to defendant no. 2 by various sale deeds. Hence plaintiffs had prayed to declare the defendant no. 1 and 2 has no rights in the said suit lands and also had prayed to restrain the defendants or thereby agents, servant from transferring, selling, mortgaging the said suit lands to any third parties.



- 30) That vide Resolution bearing No. PFR/102011/275/L/1 dated 17-03-2012 of the revenue department, the reorganization of Taluka City and Taluka Dascroi of Ahmedabad District had taken place and accordingly two new talukas i.e. Ahmedabad (East) and Ahmedabad (West) were formed and village Hebatpur of Dascroi Taluka then falls under Ahmedabad city (West). Mutation Entry to the said effect was made in the revenue record of the said land by Entry No. 1909 dated 03-05-2012.
- 31) That vide circular of the Revenue Department, Taluka Ahmedabad City (East) and Taluka Ahmedabad City (West) in Revenue District Ahmedabad were reorganized and new Talukas were formed and accordingly land of Moje Hebatpur which formed part of Taluka Ahmedabad City (West) is now made part of Taluka Ghatalodiya.
- 32) That being aggrieved by order dated 30-06-2009 passed by Mamlatdar, Daskroi in R.T.S./ Takrari Case No. 328/08 of cancellation of Mutation Entry No. 1729, said Sitaben d/o Joitaram Prajapati and others had filed Appeal before City Deputy Collector (West), Ahmedabad. The City Deputy Collector (West), Ahmedabad by his order bearing No. R.T.S./ Appeal/ Case No. 163/12 (old Case No. 518/10/343/11) dated 04-10-2013, Rejected the said appeal on the ground of that Mamlatdar, Daskroi had passed an order in R.T.S./ Takrari Case No. 328/08 after reasonable opportunity of hearing. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1958 dated 08-11-2013.
- 33) That said Shashikant Vasudev bhai Patel sold and conveyed the said land bearing Block No. 70 paiki admeasuring 2,714 Sq. mtr. out of total land admeasuring 4,958 Sq. mtr. to Bhavin Harshadbhai Mehta by sale deed which was registered before the Sub Registrar of Ahmedabad - 13 (City)

at Serial No. 871 on 09-05-2014. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1978 dated 09-05-2014.

- 34) That said Shashikant Vasudev Patel had filed an application before the D.I.L.R., however other co-owners had not given any confirmation for division of the said land bearing Block No. 64, 65, 67, 70 and other lands. Therefore D.I.L.R. had filed an Appeal before City Deputy Collector (West) Ahmedabad. That City Deputy Collector (West) Ahmedabad by his order bearing No. Con/ Case no. 3/14 dated 06-05-2014, granted permission for division of land belonging to Shashikant Vasudevbbhai Patel. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1981 dated 03-06-2014.
- 35) That as per order bearing No. DSO/ DRK/ P.P./ D.P./ 38-13-14 dated 07-05-2014 passed by D.I.L.R., Ahmedabad hissadurasti of land bearing Block No. 64, 65, 67 and 70 were made in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtrs.) | Occupier names                                                                                                                                                                       |
|---------|-----------|---------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.      | 64/ A     | 6,729               | (1) Dineshbhai Joitaram Prajapati (2) Jamanaben wd/o Ramabhai (3) Naginbhai Ramabhai (4) Maheshbhai Ramabhai (5) Manjuben Ramabhai (6) Gitaben Ramabhai and (7) Hasumatiben Ramabhai |
| 2.      | 64/ B     | 8,144               | Shashikant Vasudevbbhai Patel                                                                                                                                                        |
| 3.      | 65/ A     | 4,707               | Shashikant Vasudevbbhai Patel                                                                                                                                                        |
| 4.      | 65/ B     | 3,893               | (1) Dineshbhai Joitaram Prajapati (2) Jamanaben wd/o Ramabhai (3) Naginbhai Ramabhai (4) Maheshbhai Ramabhai (5) Manjuben Ramabhai (6)                                               |

|    |      |       |                                                                                                                                                                                                                    |
|----|------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    |      |       | Gitaben Ramabhai and (7)<br>Hasumatiben Ramabhai                                                                                                                                                                   |
| 5. | 67/A | 4,853 | (1) Dineshbhai Joitaram<br>Prajapati (2)<br>Jamanaben wd/o<br>Ramabhai (3)<br>Naginbhai Ramabhai<br>(4) Maheshbhai<br>Ramabhai (5)<br>Manjuben Ramabhai<br>(6) Gitaben Ramabhai<br>and (7) Hasumatiben<br>Ramabhai |
| 6. | 67/B | 5,871 | Shashikant Vasudevabhai<br>Patel                                                                                                                                                                                   |
| 7. | 70/A | 2244  | (1) Dineshbhai Joitaram<br>Prajapati (2)<br>Jamanaben wd/o<br>Ramabhai (3)<br>Naginbhai Ramabhai<br>(4) Maheshbhai<br>Ramabhai (5)<br>Manjuben Ramabhai<br>(6) Gitaben Ramabhai<br>and (7) Hasumatiben<br>Ramabhai |
| 8. | 70/B | 2714  | Bhavin Harshadbhai Mehta<br>(Shashikant Vasudevabhai<br>Patel)                                                                                                                                                     |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 1983 dated 26-06-2014.

- 36) That being aggrieved by the order dated 30-06-2010 passed by City Deputy Collector (Land Reforms and Appeals) Ahmedabad in Ganot Appeal No. 09/08, said Amarabhai Nagajibhai Bharvad and others had filed Revision before the Gujarat Revenue Tribunal, Ahmedabad. The Gujarat Revenue Tribunal by his order bearing No. T.E.N./ B.A./ 681/ 10 dated 18-09-2014, upheld the order passed by City Deputy Collector (Land Reforms and Appeals) Ahmedabad in Ganot Appeal No. 09/08 and Mamlatdar and Agricultural Land Tribunal in Ganot Case No. 54/02 and Ganot Case No. 55/02. Mutation Entry to the said effect was made in the revenue record vide Entry No. 1994 dated 29-09-2014.

- 37) That said Shashikantbhai Vasudevbbhai Patel sold and conveyed the said land bearing Block No. 64/B, 65/A and 67/B to Karshanbhai Khodidas Patel by different sale deeds dated 17-10-2014 which was registered before the Sub Registrar of Ahmedabad - 13 (City) in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtr.) | Registration No. and Date        | Mutation Entry                           |
|---------|-----------|--------------------|----------------------------------|------------------------------------------|
| 1.      | 64/B      | 8,144              | Serial No. 2041 dated 17-10-2014 | Mutation Entry No. 1997 dated 17-10-2014 |
| 2.      | 65/A      | 4,707              | Serial No. 2043 dated 17-10-2014 | Mutation Entry No. 1998 dated 17-10-2014 |
| 3.      | 67/B      | 5,871              | Serial No. 2045 dated 17-10-2014 | Mutation Entry No. 1999 dated 17-10-2014 |

In the said sale deeds earlier agreement holder Bhavinbhai Harshadray Mehta joined as Confirming Party.

- 38) That being aggrieved by the order dated 18-09-2014 passed by Gujarat Revenue Tribunal, said Amarabhai Nagajibhai Bharvad had filed Review before Gujarat Revenue Tribunal. The G.R.T. by his order bearing Review Application No. C.A./58/2014 dated 06-01-2015, granted stay with respect to order dated 18-09-2014 passed by Gujarat Revenue Tribunal and also ordered to maintain the status quo of the said land till final disposal of the said Review Application. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2001 dated 21-01-2015 which was cancelled as objection was raised by Shashikant Vasudev Patel who has produced the copy of order passed by Hon'ble High Court of Gujarat in Special Civil Application No. 1107 of 2015 whereby the High Court of Gujarat had granted stay against



the order dated 06-01-2015 passed in Review Application No. C.A./58/2014 passed by Gujarat Revenue Tribunal.

- 39) That being aggrieved by the order passed by Gujarat Revenue Tribunal in Review Application No. 58/2014 said (1) Vijaybhai Chimanlal Prajapati (2) Shashikant Vasudevabhai Patel and (3) Bhavinbhai Harshadbhai Mehta had filed Writ Petition bearing Special Civil Application No. 1107/2015 before the Hon'ble High Court of Gujarat against (1) Dinubhai Joitaram Patel (2) Ravin Ranchhodbhai Patel (3) Chetanbhai Ranchhodbhai Patel (4) Decesed Joitiben wd/o Ranchhodbhai through her legal heirs viz. (5) Decesed kashiram Ranchhodbhai through his legal heirs (5.1) Laliben wd/o Kashiram (5.2) Jageshbhai Kashiram (5.3) Manojbhai Kashiram (5.4) Parulben Kashiram (6) Amrutbhai Ranchhodbhai (7) Jagdishbhai Ranchhodbhai (8) Kanaiyalal Ranchhodbhai (9) Deceased Ramabhai through his heirs (9.1) Jamanaben wd/o Ramabhai (9.2) Naginbhai Ramabhai (9.3) Kantibhai Ramabhai (9.4) Maheshbhai Ramabhai (9.5) Manjulaben Ramabhai (9.6) Gitaben Ramabhai (9.7) Hasumatiben Ramabhai (10) Mamlatdar and Agricultural Land Tribunal (11) Deputy Collector, Ahmedabad (12) Gujarat Revenue Tribunal (13) Amarabhai Nagajibhai Bharvad (14) Gafurbhai Nagajibhai Bharvad (15) Jivanbhai Nagajibhai Bharvad and (16) Rahubhai Nagajibhai Bharvad (Sr. No. 14 to 16 through their Power of Attorney holder Amarabhai Nagajibhai Bharvad. In the said Writ Petition the petitioners prayed for to quash and set aside an order dated 06-01-2015 passed in Review Application No. 58/2014 and also to grant stay.

That Hon'ble High Court of Gujarat by his order dated 20-01-2015, granted stay in the Review Application No. 58 of 2014 till the returnable dated. Mutation Entry to the said effect was made in the revenue record of the land bearing Block No. 64/B, 65/A, 67/B and 70/B. Mutation Entry to the

said effect was made in the revenue record vide Entry No. 2005 dated 11-02-2015.

- 40) That said (1) Amarabhai Nagajibhai Bharvad (2) Gafurbhai Nagajibhai Bharvad (3) Jivanbhai Nagajibhai Bharvad and (4) Raghubhai Nagajibhai Bharvad had instituted a Regular Civil Suit No. 116/2015 before the Ahmedabad Principal Senior Civil Judge, Ahmedabad against (1) The State of Gujarat (2) Shashikant Vasudevabhai Patel (3) Bhavinbhai Harshadbhai Mehta (4) Hetalben Chaudhary, Talati and (5) A.J. Rana, Circle officer. In the said Regular Civil Suit the plaintiffs had submitted that the various litigations has been pending before the various courts, despite of these, the defendant no. 2 had sold the said suit lands to defendant no. 3 with intention to division of the said suit lands. The Plaintiff had alleged that the defendant no. 3 had constructed unauthorized construction on the said land. Hence Plaintiff had prayed for to remove unauthorized construction and also prayed for to grant temporary/interim injunction against the Defendant No. 2 and 3 or thereby agents, servant from taking adverse possession.

That thereafter Mutual Settlement was arrived at between the parties, and the plaintiff vide withdrawal pursis has withdrawn the said suit, accordingly the 2<sup>nd</sup> Additional Senior Civil Judge at Ahmedabad (Rural) vide his order dated 14-07-2015, disposed of said suit as withdrawn.

- 41) That on perusal of documents provided to us, it appears that one another Writ Petition being Special Civil Application No. 1171/2015 was filed by Ravin Ranchhodbhai Patel and others before Hon'ble High Court of Gujarat against Amarabhai Nagajibhai Bharvad and others.

That thereafter Hon'ble High Court of Gujarat vide its order dated 30-01-2015 granted stay in the Review Application No. 58 of 2014 till further order.



The Hon'ble High Court of Gujarat by his order dated 06-02-2015, granted interim relief mentioned in Para. 18 (d) of the Petition. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2006 dated 03-03-2015.

**Note:-** We have not been provided with the copy of above referred Writ Petition SCA No. 1171/2015. Two separate Writ Petitions being SCA No. 1107/2015 and SCA No. 1171/2015 were filed against order passed by Gujarat Revenue Tribunal in Review Application No. 58 of 2014. We have been informed that SCA No. 1107/2015 was filed with respect to land parcels for which this Title is being issued and settlement has taken place in respect thereof and SCA No. 1171/2015 is filed by other land owners and it is still pending.

- 42) That said Dineshbhai Joitaram Prajapati assigned following share in the said land bearing Block No. 64/A paiki, 65/B paiki, 67/A paiki and 70/A paiki to (1) Sitaben Joitaram Prajapati and (2) Padmaben Joitaram Prajapati by different Assignment Deed Without Consideration which was registered before the Sub Registrar of Ahmedabad - 13 (City) in the following manner:-

| Sr. No. | Block No.  | Area (in Sq. mtr.) | Registration No. and Date       | Mutation Entry                           |
|---------|------------|--------------------|---------------------------------|------------------------------------------|
| 1.      | 64/A paiki | 1,242              | Serial No. 451 dated 07-03-2015 | Mutation Entry No. 2010 dated 07-03-2015 |
| 2.      | 65/B paiki | 718                | Serial No. 448 dated 07-03-2015 | Mutation Entry No. 2007 dated 07-03-2015 |
| 3.      | 67/A paiki | 894                | Serial No. 449 dated 07-03-2015 | Mutation Entry No. 2008 dated 07-03-2015 |
| 4.      | 70/A       | 412                | Serial No. 450                  | Mutation Entry                           |

|  |       |  |                  |                           |
|--|-------|--|------------------|---------------------------|
|  | paiki |  | dated 07-03-2015 | No. 2009 dated 07-03-2015 |
|--|-------|--|------------------|---------------------------|

In the said Assignment Deeds other Co-owners viz. (1) Jamanaben Ramabhai (2) Naginbhai Ramabhai (3) Maheshbhai Ramabhai (4) Manjulaben Ramabhai Prajapati (5) Gitaben Ramabhai Prajapati and (6) Hasumatiben Ramabhai Prajapati joined as Confirming party.

- 43) That on implementation of Draft Town Planning Scheme No. 217 (Shilaj- Thaltej- Hebatpur- Sola- Bhada) the land bearing Block No. 64/B admeasuring 8,144 Sq. mtr., Block No. 65/A admeasuring 4,708 Sq. mtr. and Block No. 67/B admeasuring 5,871 Sq. mtr. had jointly given Final Plot No. 297/1/2+ 297/4/1+297/2/2 admeasuring 11,234 Sq. mtr. and remaining land admeasuring 7,489 Sq. mtr. was allotted to Ahmedabad Municipality Corporation. Hence Deputy Estate Officer (New West Zone) by his letter, stating inter alia to enter the name of Ahmedabad Municipality Corporation in the second rights columns of the said lands. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2024 dated 24-06-2015.
- 44) That erroneously name of Dineshbhai Joitaram were removed from the revenue record of the land bearing (i)Block No. 64/A paiki (ii) Block No. 65/B and (iii) Block No. 67/A paiki. Hence City Mamlatdar, Ghatalodiya by his Rectification order bearing No. S.R. No. 99/2015 dated 06-07-2015, order to entered the name of Dineshbhai Joitaram in the land bearing (i)Block No. 64/A paiki admeasuring 1,237 Sq. mtr. (ii) Block No. 65/B paiki admeasuring 717 Sq. mtr. and (iii) Block No. 67/A paiki admeasuring 894 Sq. mtr. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2025 dated 16-07-2015 which was certified on 04-03-2016 by order bearing No. RTS/ Takrari / Hebatpur/ Case No. 69/ 2015 passed by City Mamlatdar,



Ahmedabad as an objection was raised by one Bharatbhai Dineshbhai Prajapati.

- 45) That in respect to above referred Regular Civil Suit No. 654/2006, the 10<sup>th</sup> Additional Senior Civil Judge, Ahmedabad (Rural) Mirzapur by his order dated 07-07-2010/07-07-2009, granted Injunction against Defendant No. 1 viz. Dineshbhai Joitaram or thereby agents, servant from transferring, selling, mortgaging the said suit lands to the extent of his rights to any third parties. Mutation Entry to the said effect was made in the revenue record of the land bearing Block No. 67/A and 70/A vide Entry No. 2028 dated 18-09-2015.
- 46) That being aggrieved by the certification of mutation entry no. 2007, entry no. 2008, entry no. 2009 and entry no. 2010, said Madhuben w/o Dineshbhai Prajapati had filed appeal before the City Deputy Collector (West) Ahmedabad. The City Deputy Collector (West) Ahmedabad by his order bearing No. R.T.S./ Appeal/ Case no. 359/2015 dated 08-09-2016, ordered to cancelled the mutation entry no. 2007, entry no. 2008, entry no. 2009 and entry no. 2010. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2063 and Entry No. 2064 both dated 21-09-2016.
- 47) That said (1) Ravin Ranchhodbhai Patel and (2) Chetan Ranchhodbhai Patel had instituted a Special Civil Suit No. 352/2015 before the Ahmedabad Senior Civil Judge (Rural) against (1) Heirs of Deceased Ramabhai Chanabhai Prajapati viz. (1/1) Jamanaben Ramabhai Prajapati (1/2) Naginbhai Ramabhai Prajapati (1/3) Kantibhai Ramabhai Prajapati (1/4) Maheshbhai Ramabhai Prajapati (1/5) Manjulaben Ramabhai Chhaganbhai (1/6) Gitaben d/o Ramabhai Prajapati (1/7) Hasumatiben d/o Ramabhai Prajapati. In the said suit plaintiffs had claimed that Defendant No. 1 i.e. Deceased Ramabhai Chhaganbhai Prajapati had entered into

an agreement for sale on 16-03-1995 with respect to land bearing Block No. 65 and further also agreed to sell the said land bearing Block No. 64,67 and 70 vide another agreement dated 02-08-1995. The Plaintiff had also claimed that they had paid part consideration as Token Amount. The Plaintiff had also prayed for to order to defendant to pay Market Value of the property and also prayed to grant Temporary Injunction against defendant or their agents, servants and assignee from to selling, transferring, assigning, mortgaging and gifting the said suit lands in favour of third parties.

The Principal Civil Judge by his order dated 27-06-2016, rejected the application for interim injunction on the grounds of the balance of convenience is not in favour of the plaintiff as the plaintiff has approached civil court after 20 years for specific performance and the suit is time barred. Mutation Entry to the said effect was made in the revenue record of the land bearing Block No. 64/A, 65/B, 67/A and 70/A vide Entry No. 2086 dated 05-05-2017.

**Note:-** The above referred Special Civil Suit No. 352/2015 is pending.

- 48) That in respect to above referred Special Civil Application No. 1107/2015, a mutual settlement was arrived between the petitioners to the said writ petition and on submission of compromise pursis to the Hon'ble High court of Gujarat along with Gujarat Revenue Tribunal, due to stay granted in the said Review Application No. 58 of 2014, Gujarat Revenue Tribunal is not in the position to pass the further order. Therefore Hon'ble High Court of Gujarat by his order dated 23-08-2016 disposed off the said petition as withdrawn and directed the Gujarat Revenue Tribunal to pass appropriate order on the settlement pursis file by the petitioners. Hence said Writ Petition is disposed off as withdrawn on the basis of compromise pursis submitted vide order dated 23-08-2016.



- 49) That said (1) Jamanaben Ramabhai (2) Naginbhai Ramabhai (3) Maheshbhai Ramabhai (4) Manjulaben Ramabhai Prajapati (5) Gitaben Ramabhai Prajapati and (6) Hasumatiben Ramabhai Prajapati (all are as self and as Karta and Manager of their respective HUF wherever applicable) sold and conveyed the following lands to Karshanbhai Khodidas Patel by different sale deeds which was registered before the Sub Registrar of Ahmedabad - 13 (City) in the following manner:-

| Sr. No. | Description of land sold                                                                                           | Registration No. and Date       | Mutation Entry                           |
|---------|--------------------------------------------------------------------------------------------------------------------|---------------------------------|------------------------------------------|
| 1.      | Block No. 64/A paiki admeasuring 4,250 Sq. mtr. which is given Final Plot No. 297/1/1/B admeasuring 2,550 Sq. mtr. | Serial No. 690 dated 09-05-2017 | Mutation Entry No. 2087 dated 09-05-2017 |
| 2.      | Block No. 65/B paiki admeasuring 2,458 Sq. mtr. which is given Final Plot No. 297/4/2/B admeasuring 1,474 Sq. mtr. | Serial No. 693 dated 09-05-2017 | Mutation Entry No. 2090 dated 09-05-2017 |
| 3.      | Block No. 67/A paiki admeasuring 3,065 Sq. mtr. which is given Final Plot No.                                      | Serial No. 692 dated 09-05-2017 | Mutation Entry No. 2089 dated 09-05-2017 |



|    |                                                                                                                                          |                                        |                                                 |
|----|------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|-------------------------------------------------|
|    | 297/2/1/B<br>admeasuring<br>1,839 Sq. mtr.                                                                                               |                                        |                                                 |
| 4. | Block No. 70/A<br>paiki<br>admeasuring<br>1,417 Sq. mtr.<br>which is given<br>Final Plot No.<br>297/3/1/B<br>admeasuring 991<br>Sq. mtr. | Serial No. 691<br>dated 09-05-<br>2017 | Mutation Entry<br>No. 2088 dated 09-<br>05-2017 |

50) That being aggrieved by order bearing No. Con/ Case no. 3/14 dated 06-05-2014 passed by City Deputy Collector (West) Ahmedabad whereby permission was granted for hissadurasti of the land bearing Block No. 64/A, 64/B, 65/A, 65/B, 67/A, 67/B, 70/A and 70/B said Dinubhai Joitaram had filed Revision Application before the Secretary, Revenue Department (Dispute) Gujarat Government. The Secretary, Revenue Department (Dispute) Gujarat Government by his order bearing No. M.V.V./ Con/ A.M.D./ 1/2014 dated 23-06-2017, rejected the said Revision Application and upheld the order bearing No. Con/ Case no. 3/14 dated 06-05-2014 passed by City Deputy Collector (West) Ahmedabad. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2098 dated 20-07-2017.

51) Non Agricultural use permission for Residential purpose for land bearing Final Plot No. 297/1/1/B + 297/2/1/B + 297/3/1/B + 297/4/2/B paiki admeasuring 991 Sq. mtr. (given in lieu of Block No. 70/A paiki) in Draft Town Planning Scheme No. 217 (Shilaj- Thaltej- Hebatpur- Sola-Bhadaj) by District Collector, Ahmedabad by his order



bearing no. C.B./C.T.S-2/N.A./Hebatpur/ S.N./ Block No. 70/A paiki/ S.R. 535/ 2017 dated 11-11-2017. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2117 dated 18-11-2017.

52) That Non Agricultural use permission for Residential purpose for land bearing Final Plot No. 297/1/1/B + 297/2/1/B + 297/3/1/B + 297/4/2/B paiki admeasuring 1,839 Sq. mtr. (given in lieu of Block No. 67/A paiki) in Draft Town Planning Scheme No. 217 (Shilaj- Thaltej- Hebatpur- Sola- Bhada) by District Collector, Ahmedabad by his order bearing no. C.B./C.T.S-2/N.A./Hebatpur/ S.N./ Block No. 67/A paiki/ S.R. 533/ 2017 dated 11-11-2017. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2118 dated 18-11-2017.

53) That Non Agricultural use permission for Residential purpose for land bearing Final Plot No. 297/1/1/B + 297/2/1/B + 297/3/1/B + 297/4/2/B paiki admeasuring 2,550 Sq. mtr. (given in lieu of Block No. 64/A paiki) in Draft Town Planning Scheme No. 217 (Shilaj- Thaltej- Hebatpur- Sola- Bhada) by District Collector, Ahmedabad by his order bearing no. C.B./C.T.S-2/N.A./Hebatpur/ S.N./ Block No. 64/A paiki/ S.R. 534/ 2017 dated 13-11-2017. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2119 dated 18-11-2017.

54) That Non Agricultural use permission for Residential purpose for land bearing Final Plot No. 297/1/1/B + 297/2/1/B + 297/3/1/B + 297/4/2/B paiki admeasuring 1,474 Sq. mtr. (given in lieu of Block No. 65/B paiki) in Draft Town Planning Scheme No. 217 (Shilaj- Thaltej- Hebatpur- Sola- Bhada) by District Collector, Ahmedabad by his order bearing no. C.B./C.T.S-2/N.A./Hebatpur/ S.N./ Block No. 65/B paiki/ S.R. 530/ 2017 dated 14-11-2017. Mutation Entry



to the said effect was made in the revenue record vide Entry No. 2120 dated 18-11-2017.

55) That said Karshanbhai Khodidas Patel sold and conveyed the said land bearing Block No. 67/B paiki (southern-eastern side) admeasuring 1,673 Sq. mtrs. which is given Final Plot No. 297/1/2 + 297/4/1 + 297/2/2 paiki admeasuring 1,003.80 Sq. mtr. to (1) Rajendra Jayendra Joshipara and (2) Mitika Rajendra Joshipara by sale deed which was registered before the Sub Registrar at Serial No. 1621 on 19-02-2018. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2139 dated 23-03-2018.

56) That as per order bearing No. K.J.P./ S.R. No. 513/ 18-19 dated 05-11-2018 passed by D.I.L.R., Ahmedabad, hissadurasti of land bearing Block No. 67/B was made in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtrs.) | Occupier names                                                    |
|---------|-----------|---------------------|-------------------------------------------------------------------|
| 1.      | 67/B/1    | 4,198               | Karshanbhai Khodidas Patel                                        |
| 2.      | 67/B/2    | 1,673               | (1) Rajendra Jayendra Joshipara and (2) Mitika Rajendra Joshipara |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 2177 dated 05-11-2018.

57) That in respect to above referred Civil Suit No. 1193/2006, City Civil Court, Ahmedabad by his order dated 06-02-2019, dismissed the said suit for default as neither plaintiff nor his representative present and also vacated the earlier interim relief, if granted in the said suit. Hence consequently said



Civil Suit is disposed off as dismiss for default vide order dated 06-02-2019.

58) That Non Agricultural use permission for Residential purpose for land bearing Final Plot No. 297/1/2 + 297/2/2 + 297/4/1 paiki admeasuring 4,886 Sq. mtr. (given in lieu of Block No. 64/B) in Draft Town Planning Scheme No. 217 (Shilaj- Thaltej- Hebatpur- Sola- Bhadaj) by District Collector, Ahmedabad by his order bearing no. C.B./Jamin-2/ N.A./ S.R. 949/ 14 dated 05-02-2015. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2311 dated 21-01-2021.

59) That Non Agricultural use permission for Residential purpose for land bearing Final Plot No. 297/1/2 + 297/2/2 + 297/4/1 paiki admeasuring 3,523 Sq. mtr. (given in lieu of Block No. 67/B) in Draft Town Planning Scheme No. 217 (Shilaj- Thaltej- Hebatpur- Sola- Bhadaj) by District Collector, Ahmedabad by his order bearing no. C.B./Jamin-2/ N.A./ S.R. 948/ 14 dated 05-02-2015. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2312 dated 21-01-2021.

60) That as per order bearing No. K.J.P./ S.R. No. 546/ 16 dated 06-05-2016 passed by D.I.L.R., Ahmedabad, hissadurasti of land bearing Block No. 67/A was made in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtrs.) | Occupier names                                                         |
|---------|-----------|---------------------|------------------------------------------------------------------------|
| 1.      | 67/A/1    | 1,788               | (1) Dineshbhai Joitaram (2) Sitaben Joitaram and (3) Padmaben Joitaram |
| 2.      | 67/A/2    | 3,065               | (1) Jamanaben Ramabhai (2) Naginbhai Ramabhai (3)                      |

|  |  |  |                                                                                                                                         |
|--|--|--|-----------------------------------------------------------------------------------------------------------------------------------------|
|  |  |  | Maheshbhai Ramabhai (4)<br>Manjulaben Ramabhai Prajapati<br>(5) Gitaben Ramabhai Prajapati<br>and (6) Hasumatiben Ramabhai<br>Prajapati |
|--|--|--|-----------------------------------------------------------------------------------------------------------------------------------------|

Mutation Entry to the said effect was made in the revenue record vide Entry No. 2323 dated 01-04-2021.

- 61) That as per order bearing No. K.J.P./ S.R. No. 545/ 16 dated 06-05-2016 passed by D.I.L.R., Ahmedabad, hissadurasti of land bearing Block No. 65/B was made in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtrs.) | Occupier names                                                                                                                                                                                 |
|---------|-----------|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.      | 65/B/1    | 1,435               | (1) Dineshbhai Joitaram (2)<br>Sitaben Joitaram and (3)<br>Padmaben Joitaram                                                                                                                   |
| 2.      | 65/B/2    | 2,458               | (1) Jamanaben Ramabhai (2)<br>Naginbhai Ramabhai (3)<br>Maheshbhai Ramabhai (4)<br>Manjulaben Rmabhai Prajapati<br>(5) Gitaben Ramabhai Prajapati<br>and (6) Hasumatiben Ramabhai<br>Prajapati |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 2324 dated 01-04-2021.

- 62) That as per order bearing No. K.J.P./ S.R. No. 547/ 16 dated 06-05-2016 passed by D.I.L.R., Ahmedabad, hissadurasti of land bearing Block No. 70/A was made in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtrs.) | Occupier names |
|---------|-----------|---------------------|----------------|
|         |           |                     |                |

|    |        |       |                                                                                                                                                                                                 |
|----|--------|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | 70/A/1 | 827   | (1) Dineshbhai Joitaram<br>Prajapati (2) Sitaben<br>Joitaram Prajapati (3)<br>Padmaben Joitaram<br>Prajapati                                                                                    |
| 2. | 70/A/2 | 1,417 | (1) Jamanaben Ramabhai (2)<br>Naginbhai Ramabhai (3)<br>Maheshbhai Ramabhai (4)<br>Manjulaben Ramabhai Prajapati<br>(5) Gitaben Ramabhai Prajapati<br>and (6) Hasumatiben Ramabhai<br>Prajapati |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 2325 dated 01-04-2021.

- 63) That as per order bearing No. K.J.P./ S.R. No. 544/ 16 dated 06-05-2016 passed by D.I.L.R., Ahmedabad, hissadurasti of land bearing Block No. 64/A was made in the following manner:-

| Sr. No. | Block No. | Area (in Sq. mtrs.) | Occupier names                                                                                                                                                                                  |
|---------|-----------|---------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1.      | 64/A/1    | 2,479               | (1) Dineshbhai Joitaram (2)<br>Sitaben Joitaram and (3)<br>Padmaben Joitaram                                                                                                                    |
| 2.      | 64/A/2    | 4,250               | (1) Jamanaben Ramabhai (2)<br>Naginbhai Ramabhai (3)<br>Maheshbhai Ramabhai (4)<br>Manjulaben Ramabhai Prajapati<br>(5) Gitaben Ramabhai Prajapati<br>and (6) Hasumatiben Ramabhai<br>Prajapati |

Mutation Entry to the said effect was made in the revenue record vide Entry No. 2327 dated 05-04-2021.

- 64) That Non Agricultural use permission for Residential purpose for land bearing Final Plot No. 297/1/2 + 297/2/2 + 297/4/1 paiki admeasuring 2,825 Sq. mtr. (given in lieu of Block No. 65/A) in Draft Town Planning Scheme No. 217 (Shilaj- Thaltej- Hebatpur- Sola- Bhadaj) by District Collector, Ahmedabad by his order bearing no. C.B./Jamin-2/ N.A./ S.R. 950/ 14 dated 05-02-2015. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2331 dated 04-06-2021.
- 65) That upon implementation of Draft Town Planning Scheme No. 217 (Bhadaj- Shilaj- Sola- Hebatpur- Thaltej), the following Block No. lands had been allotted following Final Plots:-

| Block No. | Area of Original Plot No. (in Sq. mtrs.) | Final Plot No. | Area of Final Plot No. (in Sq. mtrs.) |
|-----------|------------------------------------------|----------------|---------------------------------------|
| 64        | 14,873                                   | 64             | 23,492                                |
| 67        | 10,724                                   | 67             |                                       |
| 70        | 4,957                                    | 70             |                                       |
| 65        | 8,600                                    | 65             |                                       |
|           | -----                                    |                |                                       |
|           | 39,154                                   |                |                                       |

That thereafter from time to time changes have been made in the allotment of Final Plot No.'s because of durasti of original Block No.'s and Town Planning Officer -1, Ahmedabad Town Planning Scheme Unit - 1, Ahmedabad had issued necessary opinions in this regards.

The Town Planning Officer -1, Ahmedabad Town Planning Scheme Unit - 1, Ahmedabad has issued opinion dated 27-11-2020 bearing No. Draft Town Planning Scheme No. 217 (Bhadaj - Shilaj- Sola- Hebatpur- Thaltej)/ Opinion/ Case No. 297/ 25022 whereby the land parcels for which this Title is issued has been given following Final Plot No.'s:-



| Case No. | Block No.  | Original Plot No. | Area of Original Plot No. (in Sq. mtrs.) | Final Plot No. | Area of Final Plot No. (in Sq. mtrs.) |
|----------|------------|-------------------|------------------------------------------|----------------|---------------------------------------|
| 297/2    | 64/A paiki | 297/1/1 /2        | 4,250                                    | (297/1 /1/2 +  | 6,856                                 |
|          | 65/B Paiki | 297/4/2 /2        | 2,458                                    | 297/4/2/2+     |                                       |
|          | 67/A Paiki | 297/2/1 /2        | 3,065                                    | 297/2/1/2+     |                                       |
|          | 70/A paiki | 297/3/1 /2        | 1,417                                    | 297/3/1/2)     |                                       |
|          |            |                   | -----<br>11,190                          |                |                                       |
| 297/1    | 64/B       | 297/1/2           | 8,144                                    | 297/1/2 +      | 11,234                                |
|          | 65/A       | 297/4/1           | 4,708                                    | 297/4/1 +      |                                       |
|          | 67/B       | 297/2/2           | 5,871<br>-----<br>18,723                 | 297/2/2        |                                       |

That thereafter Final Plot No. 297/1/2+ 297/4/1 +297/2/2 totally admeasuring 11,234 Sq. mtrs. was divided into Sub Plot No. 1 admeasuring 10,230.22 Sq. mtrs. and Sub Plot No. 2 admeasuring 1,003.78 Sq. mtrs. The Ahmedabad Municipality Corporation has granted Development permission dated 26-03-2021 bearing No. 001LD20210175 in this regards.

That thereafter Sub Plot No. 1 admeasuring 10,230.37 Sq. mtrs. of Final Plot No. 297/1/2 + 297/4/1 +297/2/2 and Final Plot No. 297/1/1/2 +297/4/2/2+ 297/2/1/2 + 297/3/1/2 admeasuring 6,856.23 Sq. mtrs. was amalgamated into one plot totally admeasuring 17,084.91 Sq. mtr.

- 66) That said Karshanbhai Khodidas Patel sold and conveyed the land totally admeasuring 17,086.20 Sq. mtrs. forming part of Sub Plot No. 1 of Final Plot No. 297/1/2 + 297/4/1+ 297/2/2 and Final Plot No. 297/1/1/2 + 297/4/2/2 +297/2/1/2 +297/3/1/2 (given in lieu of Block No. 64/A/2, Block No. 65/B/2, Block No. 67/A/2, Block No. 70/A/2, Block No. 64/B, Block No. 65/A and Block No. 67/B/1) in Draft Town Planning Scheme No. 217 (Bhadaj- Shilaj- Sola- Hebatpur- Thaltej) to Constera Realty Pvt. Ltd. by sale deed which was registered before the Sub Registrar of Ahmedabad - 09 (Bopal) at Serial No. 7772 on 09-06-2021. Mutation Entry to the said effect was made in the revenue record vide Entry No. 2335 dated 14-06-2021.
- 67) That said Constera Realty Pvt. Ltd. has floated residential scheme in the name of Anurita Bungalows and Assistant Town Development Officer, Ahmedabad Municipality Corporation has granted Development Permission vide Development Permission No. 001BP21220271 on 22-06-2021.
- 68) That in response to our "Public Notice" published in daily newspaper "Divya Bhaskar" dated 20-07-2021, inviting objections for issuance of Title Certificate for the above stated Land; we have not received any objection.
- 69) Civil Litigations:-
- (i) Civil Suit No. 554/01

That thereafter settlement took place between the plaintiffs and some of the defendants in Civil Suit No. 554/2001. Therefore Hon'ble Court had vide its order dated 04-05-2016 allowed to withdraw the said suit to the extent of Defendant No. 1/1 to 1/2/2, 2/1 to 2/3, 1/3/3, 1/4/4, 1/5/5, 1/6/6, 8, 9/1 to 9/7 (except defendant No. 7 and 10 to 14) as unconditional. These defendants were the previous

owners of land parcels for which this title is being issued.

(ii) Regular Civil Suit No. 654/2006

The above referred Regular Civil Suit No. 654/2006 has been converted to Special Civil Suit No. 460/2017.

That in above referred Regular Civil Suit No. 654/2006, injunction was granted against share of land belonging to Dineshbhai Joitaram.

The land belonging to (1) Dineshbhai Joitaram (2) Sitaben d/o Joitaram and (3) Padmaben d/o Joitaram has been separated and separate 7/12 is made. Hence the said Regular Civil Suit No. 654/2006 (Special Civil Suit No. 460/2017) does not pertain to the land parcel for which this title is being issued.

(iii) Regular Civil Suit No. 771/2010

That thereafter in above referred Regular Civil Suit No. 77/2010, a Mutual Settlement was arrived at between the parties before the Lok Adalat and withdrawal pursis submitted to the Hon'ble Court. The 2nd Additional Civil Judge has vide its order dated 03-08-2019 has allowed to withdraw the said suit and consequently the said suit is withdrawn unconditionally vide order dated 03-08-2019.

(iv) Special Civil Suit No. 820/2011

That said (1) Jamanaben wd/o Ramabhai (2) Maheshbhai Ramabhai and (3) Naginbhai Ramabhai had instituted a Special Civil Suit No. 820/2011 before the Civil Judge (Rural) at Ahmedabad against (1) Kantibhai Ramabhai Prajapati and (2) Shashikant Vasudev bhai Patel. The Plaintiffs had alleged that Defendant No. 1 had illegally sold the said land to Defendant No. 2 by different sale deeds.

Thereafter Plaintiff have also sold their share in the suit property to Karshan Khodidas Patel by different sale deeds and Defendant No. 2 had also sold part of his share in the suit property to Karshan Khodidas Patel. Hence the dispute does not survive with regards to Land bearing old Block No. 54,65,67 and 70. However it is advisable to get said suit disposed off.

(v) Special Civil Suit No. 821/2011

That with regards to above referred Special Civil Suit, the Plaintiff share in the suit lands has been separated and separate 7/12 forms have been prepared. However it is advisable to get the said suit as disposed off.

(vi) Special Civil Suit No. 352/2015

That in above referred Special Civil Suit No. 352/2015, the Principal Senior Civil Judge vide its order dated 27-06-2016, rejected the injunction application and observed that the said suit is filed after 20 years and is time barred and balance of convenience is not in favour of the plaintiffs. Hence in our opinion in the above referred Special Civil Suit No. 352/2015 is weak in nature. Moreover Non Agricultural use permission, construction plan approval etc. have been granted by the competent authorities and no adverse order has been passed in the said civil suit. However since the said suit is pending its final outcome shall be binding upon the parties.

In view of what is stated above, we hereby opine that the title of the above referred Non Agricultural land totally admeasuring 17,086.20 Sq. mtrs. forming part of Sub Plot No. 1 of Final Plot No. 297/1/2 + 297/4/1+ 297/2/2 and Final Plot No. 297/1/1/2 + 297/4/2/2 +297/2/1/2 +297/3/1/2 (given in lieu of Block No.

64/A/2, Block No. 65/B/2, Block No. 67/A/2, Block No. 70/A/2, Block No. 64/B, Block No. 65/A and Block No. 67/B/1) in Draft Town Planning Scheme No. 217 (Bhadaj- Shilaj- Sola- Hebatpur- Thaltej) (given in lieu of Block No. 64/A/2, Block No. 65/B/2, Block No. 67/A/2, Block No. 70/A/2, Block No. 64/B, Block No. 65/A and Block No. 67/B/1) in Draft Town Planning Scheme No. 217 (Bhadaj- Shilaj- Sola- Hebatpur- Thaltej) situate, lying and being at Moje Hebatpur, Taluka Ghatalodiya and in the Registration District of Ahmedabad and Sub District of Ahmedabad - 09 (Bopal) and belonging to Constera Realty Pvt. Ltd. shall be clear and marketable and free from reasonable doubts and without encumbrances subject to:-

- [1] Usual Declaration cum Indemnity Bond being made at the time of transfer of the said land.
- [2] Fulfillment of Terms and conditions laid down in N.A. Use permission order.
- [3] Provisions of The Town Planning and Urban Development Act and use as per Zone of Competent Authority and plans of construction being sanctioned by Competent Authority.

DATED THIS 13<sup>th</sup> DAY OF AUGUST, 2021

*Hursh P. Jani*  
ATTORNEY-AT-LAW

**Note of caution and disclaimer:-**

- [1] This is to inform that Search of registration record of immediate past about 2-3 months is not available.
- [2] Please note that the registration record of most of the years from 1981 to 1989 of Sub Registrar's office is destroyed/torn out. Hence it can not be inspected and its search is not available. That the computerized record is not well prepared/ maintained by State government agency and hence may be erroneous, resulting into our error.
- [3] Please ascertain that the Govt. authorities have not put any restrictions in making construction on said Land because of any historical monument/religious place/ water body, etc. situated nearby, or road laying and road widening, or proposed public transportation system in surrounding areas. Also verify that there is no acquisition/reservation in said Land and there are no pending litigations or injunction/status quo granted therein in respect of said Land.

- [4] We are informed that at present no litigation/suits are filed/pending before any Judicial/Quasi Judicial authorities.
- [5] Result of any pending Civil/ Revenue Litigations.



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| Case Type           | SPCS - SPECIAL CIVIL SUIT                                   |                   |                                            |
| Filing Number       | 820/2011                                                    | Filing Date       | 26-08-2011                                 |
| Registration Number | 820/2011                                                    | Registration Date | 26-08-2011                                 |
| CNR Number          | GJAH060017922011 (Note the CNR number for future reference) |                   | <a href="#">View QR Code / Cause Title</a> |

Case Status

|                        |                                         |
|------------------------|-----------------------------------------|
| First Hearing Date     | 02nd February 2013                      |
| Next Hearing Date      | 20th October 2021                       |
| Case Stage             | SUMMONS - NOTICE                        |
| Court Number and Judge | 14-7th ADDL. SR. CIVIL JUDGE & A.C.J.M. |

Petitioner and Advocate

1) jamnaben ramanbhai chaganlal  
Advocate- M K MANSURI

Respondent and Advocate

1) kantibhai ramanbhai prajapti  
Advocate - S R PANDYA, S R PANDYA

IA Status

| IA Number | Party Name | Date of Filing | Next Date (Purpose)              | IA Status |
|-----------|------------|----------------|----------------------------------|-----------|
| IA/1/2011 |            | 26-08-2011     | 01-11-2018<br>(SUMMONS - NOTICE) | Pending   |

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|       | <a href="#">02-02-2013</a> | 20-03-2013   | HEARING ON INJUNCTION APPLICATION |
|       | <a href="#">20-03-2013</a> | 10-06-2013   | HEARING ON INJUNCTION APPLICATION |
|       | <a href="#">10-06-2013</a> | 20-06-2013   | HEARING ON INJUNCTION APPLICATION |
|       | <a href="#">20-06-2013</a> | 17-07-2013   | HEARING ON INJUNCTION APPLICATION |
|       | <a href="#">17-07-2013</a> | 13-08-2013   | HEARING ON INJUNCTION APPLICATION |
|       | <a href="#">13-08-2013</a> | 02-09-2013   | HEARING ON INJUNCTION APPLICATION |

| Judge                        | Date                       | Date       | Purpose of Hearing                |
|------------------------------|----------------------------|------------|-----------------------------------|
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|                              | <a href="#">26-09-2013</a> | 23-10-2013 | HEARING ON INJUNCTION APPLICATION |
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|                              | <a href="#">27-11-2013</a> | 11-12-2013 | HEARING ON INJUNCTION APPLICATION |
|                              | <a href="#">11-12-2013</a> | 08-01-2014 | HEARING ON INJUNCTION APPLICATION |
|                              | <a href="#">08-01-2014</a> | 10-02-2014 | HEARING ON INJUNCTION APPLICATION |
|                              | <a href="#">10-02-2014</a> | 10-03-2014 | HEARING ON INJUNCTION APPLICATION |
|                              | <a href="#">10-03-2014</a> | 04-04-2014 | HEARING ON INJUNCTION APPLICATION |
|                              | <a href="#">04-04-2014</a> | 18-04-2014 | FOR REJOINDER                     |
|                              | <a href="#">18-04-2014</a> | 15-05-2014 | FOR REJOINDER                     |
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|                              | <a href="#">10-10-2014</a> | 19-11-2014 | HEARING ON INJUNCTION APPLICATION |
|                              | <a href="#">19-11-2014</a> | 23-12-2014 | HEARING ON INJUNCTION APPLICATION |
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|                              | <a href="#">05-03-2015</a> | 31-03-2015 | HEARING ON INJUNCTION APPLICATION |
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| Judge                                | Date                       | Date       | Purpose of Hearing |
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| Registration Number | Transfer Date | From Court Number and Judge      | To Court Number and Judge                 |
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| 820/2011            | 03-08-2017    | 1 - PRINCIPAL SENIOR CIVIL JUDGE | 17 - 6th ADDL. SR. CIVIL JUDGE & A.C.J.M. |

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| Case Type           | SPCS - SPECIAL CIVIL SUIT                                   |                   |                                            |
| Filing Number       | 821/2011                                                    | Filing Date       | 26-08-2011                                 |
| Registration Number | 821/2011                                                    | Registration Date | 26-08-2011                                 |
| CNR Number          | GJAH060017932011 (Note the CNR number for future reference) |                   | <a href="#">View QR Code / Cause Title</a> |

Case Status

|                        |                                         |
|------------------------|-----------------------------------------|
| First Hearing Date     | 04th April 2014                         |
| Next Hearing Date      | 20th October 2021                       |
| Case Stage             | SUMMONS - NOTICE                        |
| Court Number and Judge | 14-7th ADDL. SR. CIVIL JUDGE & A.C.J.M. |

Petitioner and Advocate

- 1) dinesh joitaram prajapati  
Advocate- M K MANSURI
- 2) SITABEN JOITARAM CHHAGANBHAI
- 3) PADMABEN JOITARAM CHHAGANBHAI

Respondent and Advocate

- 1) vijay chimanlal prajapati
- 2) SASHIKANT VASUDEV PATEL

Case History

| Judge | Business on Date           | Hearing Date | Purpose of Hearing                |
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|       | <a href="#">31-07-2014</a> | 21-08-2014   | FOR REJOINDER                     |
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| Case Type           | SPCS - SPECIAL CIVIL SUIT                                   |                   |                                            |
| Filing Number       | 352/2015                                                    | Filing Date       | 03-07-2015                                 |
| Registration Number | 352/2015                                                    | Registration Date | 03-07-2015                                 |
| CNR Number          | GJAH060010592015 (Note the CNR number for future reference) |                   | <a href="#">View QR Code / Cause Title</a> |

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|------------------------|-----------------------------------------|
| First Hearing Date     | 03rd July 2015                          |
| Next Hearing Date      | 21st October 2021                       |
| Case Stage             | PLAINTIFF EVIDENCE                      |
| Court Number and Judge | 14-7th ADDL. SR. CIVIL JUDGE & A.C.J.M. |

Petitioner and Advocate

- 1) RAVINBHAI RANCHHODBHAI PATEL  
Advocate- M S VAGHELA
- 2) CHETAN RANCHHODBHAI PATEL

Respondent and Advocate

- 1) LATE RAMABHAI CHHAGANBHAI PRAJAPATI HEIR OF  
Advocate - M.G.GOPALANI

Acts

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| Under Act(s)                  | Under Section(s) |
| CODE OF CIVIL PROCEDURE, 1908 | ---              |

IA Status

| IA Number | Party Name | Date of Filing | Next Date (Purpose)             | IA Status |
|-----------|------------|----------------|---------------------------------|-----------|
| IA/1/2015 |            | 03-07-2015     | 04-03-2020 (PLAINTIFF EVIDENCE) | Disposed  |

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21-2-2011

IN THE COURT OF CIVIL JUDGE (S.D) AHMEDABAD  
(RURAL) AT AHMEDABAD

SPECIAL CIVIL SUIT NO. 29 OF 2011

1. Dinesh Joitaram Prajapati,  
Adult, resident of Niharika,  
Opp. Mangalam Flats,  
Nr. Medi Link Hospital,  
132 ft. Ring Road, Satellite,  
Ahmedabad.
  2. Sitaben D/o Joitaram Chhaganbhai  
Prajapati,  
Adult, Occupation Household,  
Resident of Ankur Society,  
Saijpur Bogha,  
Ahmedabad.
  2. Padmaben D/o Joitaram Chhaganbhai  
Prajapati,  
Adult, Occupation Household,  
Resident of village Mansa,  
District Gandhinagar.
- ... Plaintiffs

Versus

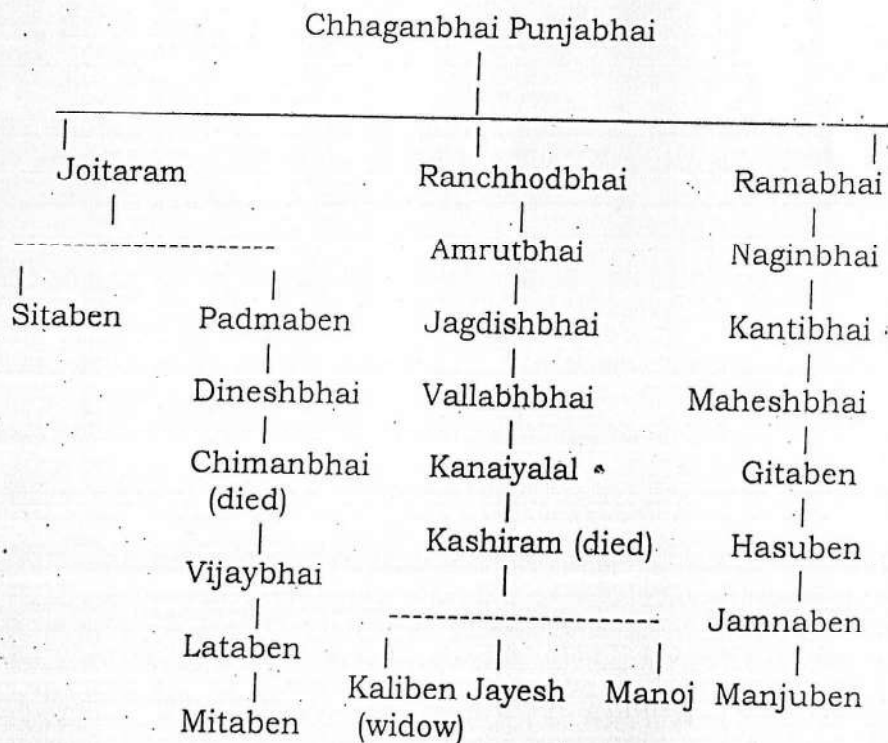
1. Vijay Chimanlal Prajapati,  
Adult, Occupation Business/  
Agriculture,  
For himself as well as Karta &  
Manager of his HUF  
Resident of village Hebatpur,  
Taluka Dascroi,  
District Ahmedabad.
  2. Sashikant Vasudev Patel,  
Adult, Occupation Agriculture,  
Resident of 17, Heritage Home,  
Thaltej - Shilaj Road,  
Thaltej, Ahmedabad.
- ... Defendants

Suit for declaration, permanent injunction and for setting aside the sale deeds

Suit valued at Rs.1,10,00,000/- for all purposes

The plaintiffs, above named, beg to submit as under:

1. That the present plaintiffs and the defendant No.1 are the co-owners of the properties being lands bearing Survey/Block Nos.59, 64, 65, 67 and 70 situated in the sim of Mouje Hebatpur, Taluka Dascroi, District Ahmedabad. That the deceased Chhaganbhai Punjabhai had left 3 sons and the pedigree/family-tree is as under: -



2. That the aforesaid Survey/Block Nos. are agricultural lands and joint properties and according to the pedigree, Joitaram, Ranchhodbhai and Ramabhai being the sons of deceased Chhaganbhai Punjabhai, jointly purchased property bearing Survey/Block Nos.64, 65, 67 and 70 each one had one-third share in the said Survey/Block Nos. That Survey/Block No.59 is not an ancestral property but it was a property which was jointly purchased by Joitaram Prajapati and the plaintiff No.1 Dineshbhai and therefore, in the said Survey/Block No.59 plaintiffs have got, one-half share and in the remaining one-half share the sons and daughters of deceased Joitaram have got share. The defendant No.1 Vijay Chimanlal Punjabhai Prajapati is the son of Chimanlal Prajapati, who has already expired. That with regard to the very properties of deceased Chhaganlal Prajapati, a suit for partition is already filed by the present plaintiffs Nos.2 & 3 bearing Regular Civil Suit No.771/2010 and the same is pending before this Hon'ble Court.

3. That Joitaram Prajapati expired on 10.12.1987 and Chimanlal Prajapati has expired on

28.12.1976. That during the pendency of the Regular Civil Suit No.771/2010, the defendant No.1 Vijay Chimanlal Prajapati, for himself and as Manager and Karta of his HUF, has sold away one-half share of land bearing Survey/Block No.59 situate at Mouje village Hebatpur, Taluka Dascroi, Sub-District Ahmedabad (Memnagar), District Ahmedabad admeasuring about 2226 sq.mtrs. out of the total area of 4452 sq.mtrs, vide sale deed dated 01.12.2010 registered at Sr.No.15272/22 with the office of the Sub-Registrar, Ahmedabad(3) - Memnagar. The said sale deed is executed in favour of the defendant No.2 Sashikant Vasudev Patel. This sale deed is illegal and beyond his share and therefore, this sale is liable to be cancelled beyond the share of Vijay Chimanlal Prajapati.

4. It is submitted that Survey/Block No.59 being a joint ownership property of Joitaram Prajapati and Dinesh Prajapati, therefore, out of 4452 sq.mtrs. of the area of the land one-half portion of the land admeasuring 2226 sq.mtrs. is of the exclusive ownership of plaintiff No.1 Dineshbhai and in the remaining portion the daughters of Joitaram

Prajapati were the sharers. Deceased Joitaram Prajapati, as per the pedigree, had two sons and two daughters and therefore, in the one-half portion of Joitaram Prajapati all the four persons would be entitled to share and therefore, each one would get one-eighth share in the property. Therefore, one-eighth share of deceased Chimanlal Prajapati would be inherited by defendant No.1 Vijay Chimanlal Prajapati and therefore, beyond 556 sq.mtrs. Vijay Chimanlal Prajapati has no right in the property. Apart from that, this land is an agricultural land and of the co-ownership of the deceased Joitaram Prajapati and his brothers and therefore, the purchaser has also no right to have a joint possession. Apart from that the land is not partitioned and therefore, no buyer can have a joint possession with the other members of the joint family. As suit for partition is pending, question of joint possession does not arise. However, all the lands are in exclusive possession of the heirs of Joitaram Prajapati.

5. That over and above the said Survey/Block No.59 there are other joint family properties being land bearing Survey/Block Nos.64, 65, 67 and 70.

Their measurements and boundaries are stated in the last paragraph.

6. That the present defendant No.1 Vijay Chimanlal Prajapati has also sold off one-sixth share of the undivided share in the land bearing Survey/Block No.64 Mouje village Hebatpur, Taluka Dascroi, Sub-District Ahmedabad (Memnagar), District Ahmedabad i.e. to say 2479 sq.mtrs. out of the land totally admeasuring 14873 sq.mtrs. for Rs.31 lacs to defendant No.2 vide sale deed dated 25.05.2010 registered with the office of the Sub-Registrar, Ahmedabad(3), Memnagar at, Sr.No.7293/17. Similarly, the defendant No.1 has also sold land bearing Survey/Block No.65 (old Block No.68) Mouje village Hebatpur, Taluka Dascroi, Sub-District Ahmedabad (Memnagar), District Ahmedabad which admeasures 8600 sq.mtrs. and out of this 1433 sq.mtrs. i.e. one-sixth share is sold for Rs.18 lacs to the defendant No.2, which is registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) at Sr.No.7294/17. It is also further submitted that defendant No.1 has sold one-sixth share of the land bearing Survey/Block No.70 (old Survey

No.73/2) Mouje village Hebatpur, Taluka Dascroi, Sub-District Ahmedabad (Memnagar), District Ahmedabad, which admeasures 4958 sq.mtrs. out of which defendant No.1 has sold 826 sq.mtrs. of land which is one-sixth share, to the defendant No.2 for a consideration of Rs.10,50,000/- vide sale deed dated 01.12.2010 registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) at Sr.no.15271/22. In the same way, land bearing Survey/Block No.67 (old Survey No.69) Mouje village Hebatpur, Taluka Dascroi, Sub-District Ahmedabad (Memnagar), District Ahmedabad which admeasures 10,724 sq.mtrs. out of which one-sixth share admeasuring 1787 sq.mtrs. has been sold off by defendant No.1 to defendant No.2 for a consideration of Rs.22,40,000/- vide sale deed dated 01.12.2010 registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) at Sr.No.15269/25. It is submitted that all the documents are produced along with the list, which are obtained as certified copies from the Registrar of Documents. All the documents have been registered in the office of the Sub-Registrar of Assurances, Memnagar, Ahmedabad-3.

7. It is submitted that the defendant No.1 has got only one-twelfth share in the whole of the property as aforesaid and beyond one-twelfth share he has no right to sell the same. Not only that, but this is a joint HUF and possession being joint, a stranger - defendant No.2 has no right to occupy the same. However, it is submitted and reiterated that the whole of the land is in joint possession of the plaintiffs and the defendant No.2 to whom the land is sold has not been delivered possession at all. It seems that as the present plaintiffs have got knowledge about the illegal sale being effected by the defendant No.1, the defendant No.2 may try to induct himself into the possession. That the present plaintiffs ever year normally try to get the certified copies of village form No.7/12, 8A so as to ascertain that the properties are in the name of the plaintiffs. In this connection, very recently, copies of the village form No.7/12 were obtained in March, 2011 and looking to the same, it came to the notice that though the name of the owner is shown as that of Dinesh Joitaram Prajapati, even then the name of Sashikant Vasudev Patel the defendant No.2 herein is entered into

Survey/Block No.59 to the tune of 2226 sq.mtrs. in village form No.7/12 copy where of is produced along with the list. Therefore, the plaintiffs herein were constrained to obtain the copies of the record of right in which also entries have been effected and as aforesaid, the defendant No.1 having no right to sell and defendant No.2 in the absence of any partition has no right to purchase and therefore, the whole sale is illegal and bad and therefore for setting aside the same, the present suit is filed.

8. It is reiterated that the suit for partition is already pending as aforesaid and the sale is effected beyond the share of the defendant No.1 and therefore, to set-aside the sale this suit is filed. On obtaining the copy of the village form No.7/12 in the March, 2011 and after getting the advise, this suit is filed at the earliest.

9. That the cause of action has arisen when the defendant No.1 sold Survey/Block Nos.59, 64, 65, 67 and 70 and got the sale deeds registered and when the plaintiffs, on inquiry and obtaining the village form No.7/12 in March, 2011 got the

knowledge and thereafter the certified copies of the sale deeds were procured from the office of the Sub-Registrar in the first week of July, 2011 and therefore, immediately the present suit is filed and therefore, the suit is within the period of limitation.

10. That all the lands are situated at Hebatpur, within the jurisdiction of this Hon'ble Court. Therefore, this Hon'ble Court has jurisdiction to try, entertain and decide this suit.

11. The plaintiffs, therefore, pray that

- a) This Hon'ble Court be pleased to hold and declare that defendant No.1 has no right to sell the joint family properties of deceased Joitaram Chaganlal as well as the ancestral properties inherited from Chaganlal Punjabhai.
- b) This Hon'ble Court be pleased to hold and declare that the defendant No.1 has wrongly sold undivided share in the properties namely, Survey Nos.59, 64, 65, 67 and 70 to

defendant No.2 and therefore, all the sale deeds, namely,

- (i) Sale deed dated 01.12.2010 for the land bearing Survey/Block No.59 admeasuring 2226 sq.mtrs. situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar) registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) at Sr.No.15272/22,
- (ii) Sale deed dated 25.05.2010 for the land bearing Survey/Block No.64 admeasuring 2479 sq.mtrs. situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar) registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) at Sr.No.7293/17,
- (iii) Sale deed dated 25.05.2010 for the land bearing Survey/Block No.65 (Old Survey No.68) admeasuring 1433 sq.mtrs. situate at Mouje Village Hebatpur, Taluka

Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar) registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) at Sr.No.7294/17,

(iv) Sale deed dated 01.12.2010 for the land bearing Survey/Block No.70 (Old Survey No.73/2) admeasuring 2226 sq.mtrs. situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar) registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) at Sr.No.15271/22,

(v) Sale deed dated 01.12.2010 for the land bearing Survey/Block No.67 (Old Survey No.69) admeasuring 1787 sq.mtrs. situate at Mouje Village \*Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar) registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) at Sr.No.15269/25,

Survey No.64

On or towards North : Survey No.65

On or towards South : Survey No.55-56

On or towards East : Survey No.50

On or towards West : Survey No.63

Survey No.65

On or towards North : Survey No.67

On or towards South : Survey No.64

On or towards East : Survey No.49-50

On or towards West : Survey No.66

Survey No.67

On or towards North : Survey No.71

On or towards South : Survey No.65

On or towards East : Survey No.49

On or towards West : Survey Nos.66-68

Survey No.70

On or towards North : Survey No.72

On or towards South : Survey No.67-68

On or towards East : Survey No.71

On or towards West : Survey No.69

be ordered to be set-aside and cancelled.

- c) This Hon'ble Court be pleased to hold and declare that the defendant No.1 has no right to sell agricultural lands of the joint family and in turn the defendant No.2 has no right to share the joint possession with the present plaintiffs and in turn this Hon'ble Court be pleased to permanently restrain the defendant No.2 from interfering with the possession of the present plaintiffs.
- d) That the defendants, their servants, agents be permanently restrained from transferring, alienating, mortgaging, gifting or dealing with the suit properties in any manner whatsoever namely, land bearing Survey/Block Nos.59, 64, 65, 67 and 70 of village Hebatpur, Taluka Dascroi, District Ahmedabad.
- e) Costs of this suit be provided for to the plaintiffs.

f) Such other and further relief as this Hon'ble Court may deem just, fit and expedient be granted in favour of the plaintiffs.

12. The suit is for declaration and injunction and for setting aside the sale deeds and therefore, the same is valued at Rs.1,10,00,000/- and therefore, a court-fee stamp of Rs.75,000/- is affixed on the plaint.

13. Vakalatnama, list of documents and copies for the service of the defendants are appended herewith.

14. The address of the plaintiffs as stated in the cause title of the plaint is true and correct and is in conformity with the provisions of Order VI Rule-14A of the Code of Civil Procedure, 1908.

15. All the properties are bounded as under:

Survey No.59

On or towards North : Survey No.60

On or towards South : Survey No.58

On or towards East : Survey No.60

On or towards West : Siyado of village Shilaj

16. An affidavit in support of this plaint is filed herewith.

Place: Ahmedabad.,

✓ ફેરિશા વે. પુલ્લમ

Date : -08-2011.

✓ સાલાબેન-બેદવારામ

Advocate for plaintiffs

✓ પદમાબેન નેહતારા

### VERIFICATION :

I, \_\_\_\_\_, adult, occupation Agriculture/Household, the plaintiff No. \_\_\_\_\_ herein, resident of Ahmedabad, do hereby state and verify that what is stated hereinabove is true to the best of my own knowledge, information and belief; and I believe the same to be true.

Verified at Ahmedabad on this \_\_\_\_\_ day of August, 2011

Deponent

Identified by me

1. 142 52 182  
 1. 1 28  
 1. 1 2  
 1. 1 20/-

स्पे.दि.मु.नं. 34/9प.

७७. पी. एचिए २०१२  
 माहे महाराज गणेश भावे भावराव बा. श्री  
 गे. बलवंत भावांनी तारीख २९/०५/१८  
 माहे शुक्रवार रोजी २०१८  
 २०१८

બીજા-૨ માંથી ૨૭ જા  
 માટે જુલિ ૨૦

230212  
29-07

403 3/29 2012

ਮਾਏ ਭੁਜ ਰਾਜੇ ੨੦੮੭

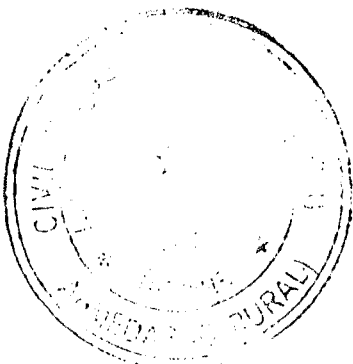
મકલ છોડ્યા તા. ૨૮/૫/૨૦૧૮

માટે મુજ સને ૨૦૪૭  
૨૭ સ્ટાર

રજીસ્ટ્રાર

28106/16

અમરાઈવાડી, અમદાવાદ.



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૧/૩ કાંતિભાઈ રામાભાઈ પ્રજાપતિ.

ઉ.વ.આ. પુખ્ત, ધર્મે-હિન્દુ, ધંધો-

રહે. એ/૪૭, ગેલેક્ષી કોરલ બંગલોઝ,

માધવ સ્કુલની બાજુમાં, વસ્ત્રાલ, અમદાવાદ

૧/૪ મહેશભાઈ રામાભાઈ પ્રજાપતિ.

ઉ.વ.આ. પુખ્ત, ધર્મે-હિન્દુ, ધંધો-

રહે. બળીયાવાસ, અમરાઈવાડી,

અમદાવાદ.

૧/૫ મંજુલાબેન રામાભાઈ છગનભાઈ

પ્રજાપતિની પુત્રી તે પ્રવિણકુમાર

અંબાલાલ ઓઝાની પત્ની, ઉ.વ.આ. પુખ્ત,

ધર્મે-હિન્દુ, ધંધો-ઘરકામ, રહે. આશિષ

હોસ્પી.ની બાજુમાં, પૂજન હોસ્પી.ની

સામે, ડોક્ટર હાઉસની પાછળ,

વર્ધમાનનગર ગાર્ડનની પાછળ, મુ. કલોલ,

તા. કલોલ, જી. ગાંધીનગર

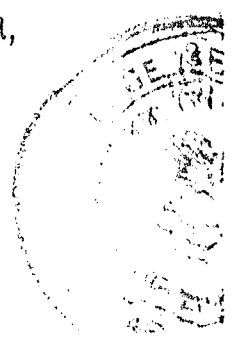
૧/૬ ગીતાબેન રામાભાઈ છગનભાઈ પ્રજાપતિની

પુત્રી તે ભરતકુમાર નાથાલાલ પ્રજાપતિ

ઉ.વ.આ. પુખ્ત, ધર્મે-હિન્દુ, ધંધો-ઘરકામ,

રહે. પ્રજાપતિવાસ, લીબોદરા ગામ,

તા. માણસા, જી. ગાંધીનગર



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૧/૭ હસુમતીબેન રામાભાઈ છગનભાઈ પ્રજાપતિ પુત્રી તે  
અનિલકુમાર નટવરલાલ પ્રજાપતિ, ઉ.વ.આ. પુખ્ત,  
ધર્મે-હિન્દુ, ધંધો-ઘરકામ, રહે. પ્રજાપતિવાસ,  
ગામ-સેરથા, અંબિકા ઈટોના વેપારી,  
જી.ગાંધીનગર, કલોલ.

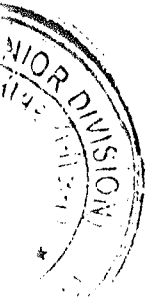
બાબત :- મનાઈ અરજી.

અમો વાદીઓની મનાઈ અરજીની હકીકત એવી છે કે,

૧) ડીસ્ટ્રીક્ટ સબ ડીસ્ટ્રીક્ટ અમદાવાદના તાલુકે દસ્ક્રોઈ ના મોજે ગામ  
હેબતપુરની સીમની જમીનના જુના તથા નવા બ્લોક નંબરો નીચે મુજબ છે.

| જુના નંબરો    | એકર - ગુંઠા. |
|---------------|--------------|
| બ્લોક નંબર ૬૫ | ૨-૮૫         |
| ૬૪            | ૨-૨૬         |
| ૭૦            | ૧-૭          |
| ૬૭            | ૩-૨૭         |

ગામ નમુના નં. ૬ ના હકક પત્રકની એન્ટ્રી નં. ૧૯૮૩ થી નવા બ્લોક  
નં. અમલમાં આવ્યા તે નીચે મુજબ છે.



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| નવા બ્લોક નં. | આકાર જુ.ડી.   | આકાર     |
|---------------|---------------|----------|
|               | હે.આરે.ચો.મી. | રુ.પૈસા. |
| ૬૪/અ          | ૦-૬૭-૨૯       | ૫-૪૫     |
| ૬૫/બ          | ૦-૩૮-૯૩       | ૨-૪૯     |
| ૬૭/અ          | ૦-૪૮-૫૩       | ૩-૯૪     |
| ૭૦/અ          | ૦-૨૨-૪૯       | ૧-૪૫     |

ઉપર જણાવેલ બ્લોક નંબરો વાળી જમીનનું ખુંટ વર્ણન નીચે

મુજબ છે.

બ્લોક નં. ૬૪/અ નું ખુંટ વર્ણન.

પૂર્વે - બ્લોક નં. ૪૯

પશ્ચિમે - બ્લોક નં. ૬૩.

ઉત્તરે - બ્લોક નં. ૬૫/બ.

દક્ષિણે - બ્લોક નં. ૬૪/બ

બ્લોક નં. ૬૫/અ નું ખુંટ વર્ણન.

પૂર્વે - બ્લોક નં. ૪૯

પશ્ચિમે - બ્લોક નં. ૬૬

ઉત્તરે - બ્લોક નં. ૬૫/અ

દક્ષિણે - બ્લોક નં. ૬૪/અ



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બ્લોક નં. ૬૭/અ નું ખુંટ વર્ણન.

પૂર્વે - બ્લોક નં. ૫૦

પશ્ચિમે - બ્લોક નં. ૬૮.

ઉત્તરે - બ્લોક નં. ૭૦/બ.

દક્ષિણે - બ્લોક નં. ૬૭/બ

બ્લોક નં. ૭૦/અ નું ખુંટ વર્ણન.

પૂર્વે - બ્લોક નં. ૭૦/બ

પશ્ચિમે - બ્લોક નં. ૬૮

ઉત્તરે - બ્લોક નં. ૭૧

દક્ષિણે - બ્લોક નં. ૬૮

૨) વાદીઓએ મજકુરનો દાવો તા. ૨/૮/૧૯૮૫ ના કરારનો, વિશિષ્ટ કરાર પાલનનો અમલ કરાવવા માટેનો દાખલ કરેલ છે. અને કરારનો વાદીઓએ પ્રતિવાદીઓનાં પૂરોગામી નામે મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિ સાથે કરેલ હતો અને છે.

૩) ડીસ્ટ્રીક્ટ સંબ ડીસ્ટ્રીક્ટ અમદાવાદના તાલુકા દસ્ક્રોઈના મોજે ગામ હેબતપુરની સીમના બ્લોક નં. ૬૫ વાળી જમીન બાબતે મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિએ અમોને જણાવેલ છે કે, સદર જમીન અમારા નામે ચાલે છે. અમારે તેનું વેચાણ કરવું છે. અને તેથી અમો એકબીજાની સંમતિથી એક ચો.વાર.ના ૮૫/- રૂ. ભાવ નક્કી કરી વેચાણ માટેનું



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બાનાખત કરાર તા. ૧૬/૩/૯૫ ના રોજ અમો વાદીઓની તરફેણમાં કરી આપેલ. આ બાનાખત કરાર કર્યા બાદ મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિ અમારી પાસે આવીને જણાવેલ કે, આપણે જે તા. ૧૬/૩/૯૫ ના રોજ બાનાખત કરાર કરેલ તે બ્લોક નં. ૬૫ વાળી જમીનમાં મારા મહુમ મોટાભાઈઓ રણછોડભાઈ છગનભાઈ પ્રજાપતિ અને મહુમ જોઈતારામ છગનભાઈ પ્રજાપતિનો હકક, હીસ્સો પોસાય છે. અને વધુમાં એમ પણ જણાવેલ કે, બ્લોક નં. ૬૪, ૬૭ અને ૭૦ વાળી જમીન મારા મોટાભાઈઓ મહુમ રણછોડભાઈ છગનભાઈ પ્રજાપતિ અને મહુમ જોઈતારામ છગનભાઈ પ્રજાપતિની આવેલી છે તે તમામ જમીનોમાં પણ મારો હકક, હીસ્સો પોસાય છે. તેથી અમારી એક બીજાની સમજુતિથી તેમાં એવું નકકી કરવામાં આવેલું કે, મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિએ અમો વાદીઓની તરફેણમાં બ્લોક નં. ૬૪, ૬૫, ૬૭ અને ૭૦ નો વેચાણ આપવા અંગેનો બાનાખત કરાર કરી આપવાનું છે.

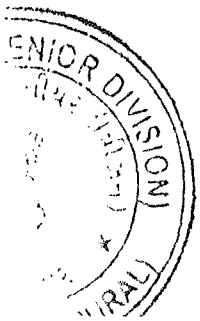
૪) ત્યારબાદ બીજો એક કરાર તા. ૨/૮/૧૯૯૫ નાં રોજ દાવાનાં વાદીઓ તથા મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિ વચ્ચે અમલમાં મૂકવામાં આવેલો. કે મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિએ તેઓનાં પોતાના ભાગની ૧/૩ ભાગ વાળી જમીન યાને ૧૫૬૦૮ ચો.વાર. વાળી કે જે બ્લોક નં. ૬૪, ૬૫, ૬૭ અને ૭૦ ગામ હેબતપુર, તા. દસ્ક્રોઈ, જી. અમદાવાદ વાળી આવેલી છે. તેનું વેચાણ માટેનું બાનાખત કરાર વાદીની



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તરફેશમાં કરી આપેલ છે. (જેને હવે પછી " તેવી જમીનો" અથવા " વાદગ્રસ્ત જમીનો" તરીકે ઓળખવામાં આવશે) એ રીતે મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિનાં ભાગે કુલ ૧૫૬૦૮ ચો.વાર. વાળી જમીનો ભાગમાં આવેલી હતી/છે. વધુમાં એવું પણ નક્કી કરવામાં આવેલું કે મજકુરની જમીન/જમીનો વાદીઓને કુલ જમીનની કિંમત રૂ. ૧૪.૮૨.૭૬૦/- ની કિંમતે રૂ. ૯૫/- પ્રતિ ચો.વાર.નાં ભાવે વેચાણ આપેલ છે. મજકુરનાં કરારમાં એવું પણ લખવામાં આવેલ છે કે, મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિનાઓએ મજકુરની જમીન પરત્વે વાદીઓને " ઈન્કમ ટેક્સ કલીયરન્સ સર્ટીફિકેટ " મજકુર જમીનના અમો લખી આપનાર રાઈટ ટાઈટલ કલીયર અને માર્કેટબલ હોવા અંગેની ખાતરી આપીએ છીએ. " લાવી આપવાનું છે.

૫) વાદીઓ પણ વધુમાં જણાવે છે કે તા. ૨/૮/૧૯૯૫ નો કરાર અમલમાં મૂક્યા બાદ પણ વાદીઓએ રૂ. ૧,૫૦,૦૦૦/- ની રકમ તા. ૨૦/૪/૧૯૯૬ ના રોજ (૨) રૂ. ૫૦,૦૦૦/- ની રકમ તા. ૧૦/૧૦/૧૯૯૬ ના રોજ અને (૩) રૂ. ૨૫,૦૦૦/- ની રકમ રૂ. ૧૫/૨/૧૯૯૭ ના રોજની ચૂકવી આપેલ છે. અને તે મુજબનાં શેરા/સહીઓ અગાઉનાં તા. ૧૬/૩/૧૯૯૫ ના વેચાણ બાનાખત અંગેના કરારનો છેલ્લા પાના ઉપર કરી આપવામાં આવેલા છે. અને મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિની સહીઓ પણ તેવી શેરા/સહીઓમાં લેવામાં આવેલાં છે. તે મુજબ રૂ. ૨,૨૫,૦૦૦/- ની રકમ મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિને ચૂકવી

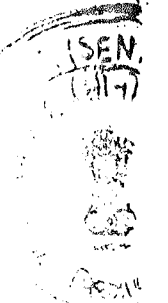


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આપવામાં આવેલી છે. વધુમાં રૂ. ૩,૫૦,૦૦૦/- ની રકમ ચૂકવણી પણ તા. ૧૬/૩/૧૯૯૫ નાં વેચાણ બાનાખત અંગેના કરારમાં બતાવવામાં આવેલી છે. અને એ રીતે કુલ રૂ ૫,૭૫,૦૦૦/- ની રકમ મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિનો મજકુરનાં વેચાણ કરારનાં અવેજીમાં ચૂકવી આપવામાં આવેલી છે.

૬) આ પ્રમાણેની વિગતો હોવા છતાં બ્લોક નં. ૬૪, ૬૫, ૬૭ અને ૭૦ વાળી જમીનોમાં સહભાગીદાર તરીકે નામો તા. ૯/૧૦/૨૦૦૧ નાં રોજ દાખલ કરવામાં આવેલા છે. અને મજકુરની જમીન ફાળવણીની નોંધણી રેવન્યુ દફતરે ૬ ની હકક પત્રકની નોંધ નં. ૧૫૩૪ નાં આધારે પાડવામાં આવેલી છે. એ રીતે મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિનાઓએ ૧/૩ નાં ભાગની જમીન ફાળવણી પોતાના નામે ધારણ કરેલ હતી/ છે.

૭) ત્યારબાદ વાદીઓએ મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિનો સંપર્ક કરીને મજકુરનાં દાવાવાળી જમીનો માટેનું ટાઈટલ કલીયરન્સ સર્ટીફિકેટ લાવી આપવા તથા વેચાણનો બાનાખત કરારનો દસ્તાવેજ/સેલ ડીડનો અમલ કરી આપવા માટે જણાવેલ અને વાદીઓએ પ્રશ્ન વાળા " પાર્ટીશન ડીડ" ની કોપી માંગેલી કે, જેના આધારે રેવન્યુ દફતરે ૬ ના હકક પત્રકની નોંધ નંબર ૧૫૩૪ ની પાડવામાં આવેલી તેમ છતાં પણ મહુમ



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રામાભાઈ છગનભાઈ પ્રજાપતિનાઓએ વાદીઓને પાર્ટીશનની ડીડની કોઈ કોપી આપેલ ન હતી/ આપેલ નથી. વાદીઓએ ફરી વાર પાર્ટીશન ડીડની કોપી આપવા માટેની વિનંતી કરેલ હતી કે જેના આધારે રેવન્યુ દફતરે ૬ ના હકક પત્રકની નોંધ નં. ૧૫૩૪ ની પાડવામાં આવેલી પરંતુ મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિએ તેવી કોઈ "પાર્ટીશન ડીડ" ની કોપી આપેલ ન હતી. એ રીતે મજકુર મિલકતનું " ટાઈટલ કલીયર " કરી આપવામાં આવેલ નથી. આથી વાદીઓ દાવાવાળી જમીન પરત્વેનું " સેલ ડીડ " બાનાખત કરારનો અમલ કરાવી શક્યા નથી.

૮) ત્યારબાદ સને ૨૦૦૧/૨૦૦૨ ની સાલમાં વાદગ્રસ્ત જમીનોનાં ટેનન્સી જમાદાર/રખેવાળ એ સીવીલ દિ.મુ.નં. ૫૫૪/૦૧ તેમજ કૃષિ પંચ માલમતદારમાં ટેનન્સી કેસ નં. ૫૪/૦૧ તથા ૫૫/૦૧ કાર્યવાહીઓ મજકુરનો જમીનો પરત્વેની દાખલ કરેલી, જેમાં ઉપર મુજબની જમીનો યાને કે બ્લોક નંબર ૬૪, ૬૫, ૬૭ અને ૭૦ વાળી જમીનોનો પણ સમાવેશ કરવામાં આવેલો અને મજકુરનો દાવો દાખલ કરવાની તારીખે પણ મજકુરની તકરારો જે તે સત્તાધિકારી સામે (આજદીન સુધી) પેન્ડીંગ/ ચાલુ છે.

૯) દુરભાગ્યે મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિનું તા. ૨૬/૧૧/૨૦૦૩ નાં રોજ અવસાન થયેલ છે. ત્યારબાદ પણ વાદીઓએ ફરી એકવાર મુચિત મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિનાં કાયદેસરનાં



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વારસોનો /યાને કે મજકુરનાં દાવાનાં પ્રતિવાદીઓનો સંપર્ક કરેલો. અને દાવાવાળી જમીનો માટે " ટાઈટલ કલીયરન્સ " નું પ્રમાણપત્ર અને " પાર્ટીશન ડીડ " માંગીને તથા દાવાવાળી જમીનો માટેનું વેચાણ બાનાખત કરાર અંગેનો અમલ વાદીઓની તરફેણમાં કરી આપવા માટેની વિનંતી/માંગણી કરેલી. ત્યારે મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિના સંબંધીએ વાદીઓને જણાવેલ કે, મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિનાએ તા. ૧૨/૧૧/૨૦૦૩ ના રોજ વીલ કરેલ છે. પોતાના મૃત્યુ પછી એક મૃત્યુ પત્રનો અમલ કરીને મૂકેલા છે. સબબ તેવો મૃત્યુ પત્ર નાં આધારે હવે તેઓ " પ્રોબેટ પ્રમાણપત્ર " મેળવવાની પ્રક્રિયા શરુ કરવા જઈ રહ્યા છે. તેમ છતાં પણ મજકુરનાં પ્ર.વાદીઓ તેવા મૃત્યુ પત્રની વીલની કોઈ કોપી વાદીઓએ માંગ્યા છતાં પણ વાદીઓને આપેલી નથી.

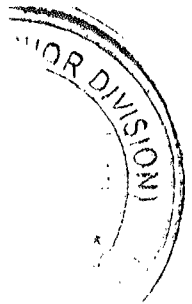
૧૦) ત્યારબાદ અમુક પ્રા. વાદીઓએ પ્રોબેટનું પ્રમાણપત્ર માંગવા માટે દિવાની પ્રા. અરજી નં. ૯ સનેર૦૦૭ ( સ્પે.દિ.મુ. નં. ૪૯૦/૨૦૧૩) ની નામ. કોર્ટમાં દાખલ કરેલી, મે. શ્રી જીલ્લા ન્યાયાધીશ સાહેબ, અમદાવાદ (ગ્રામ્ય) નાં કોર્ટમાં દાખલ કરેલી. મજકુરની અરજી અત્રેનો દાવો દાખલ કરતાં સુધી નામ. કોર્ટમાં પેન્ડીંગ છે. એ રીતે આજદીન સુધી મજકુરની જમીનોનું ટાઈટલ કલીયર કરી આપવામાં આવેલું નથી. તેથી



//૧૧//

વાદીઓ મજકુરનાં દાવાવાળી જમીનો માટેના વેચાણ બાનાખત કરારનો અમલ કરી શકેલ નથી કે જેનો અમલ કરવા માટે વાદીઓ સદૈવ રાજી, તૈયાર અને ખુશી હતાં.

૧૧) હવે/હાલમાં વાદીઓને આશ્ચર્ય, આઘાત અને શોકની લાગણી થયેલ કે જ્યારે એક જાહેરાત તા. ૧૧/૫/૨૦૧૫ ના રોજ " ગુજરાત સમાચાર " અને તા. ૧૨/૫/૨૦૧૫ ના રોજ " સંદેશ " માં બહાર પાડીને દાવાવાળી વાદગ્રસ્ત જગ્યા માટેનું વેચાણ કરવા માટેનું ટાઈટલ કલીયર સર્ટી. મંગાવવામાં આવેલ. તેમજ વાંધાઓ મંગાવવામાં આવેલા છે. સબબ, અમો વાદીઓએ અમારા તા. ૧/૬/૨૦૧૫ ના પત્રથી અમારા વાંધાઓ રજુ કરીને ખાસ રીતે/સ્પષ્ટ રીતે જણાવેલ છે કે મજકુરની જમીન પરત્વે અમો વાદીઓની તરફેણમાં અગાઉ વેચાણ અંગે બાનાખત કરાર કરવામાં આવેલો છે. સબબ અમો વાદીઓને મજકુરની જમીનો વેચાણ આપવા અંગે કરેલ બાનાખત કરારના આધારે દાવાવાળી જમીન વેચાણ લેવાના હકક, હીત અને ઈન્ટરેસ્ટ પ્રસ્થાપીત થયેલા છે. હવે અત્રે ખાસ નોંધવા પાત્ર છે કે ઉપરોક્ત પ્રોબેટની અરજી નામ. કોર્ટ સમક્ષ પેન્ડીંગ હોવા છતાં પ્રા. વાદીઓ હવે મજકુરની દાવાવાળી વાદગ્રસ્ત જમીનોના ભાવ વધી ગયેલ હોઈ જેથી પ્ર.વાદીઓ કોઈ ત્રાહીત વ્યક્તિઓને વેચાણ કરીને અમો વાદીઓનાં અધિકારો, હકક, હિતને ખૂબ જ મોટું નુકશાન પહોંચાડવા માંગે

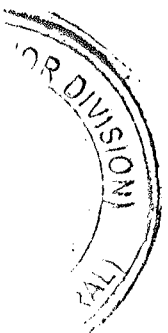


છે. અને મજકુરનાં પ્રોબેટ-પ્રકરણે શું પરીણામ આવવાનું છે તેની તેઓ રાહ પણ જોવા માંગતા નથી. અને ન્યાયના હિતમાં અમોવાદીઓ મજકુરની પ્રોબેટ અરજીનું શું પરીણામ આવશે તેની રાહ જોઈને બેસી રહ્યા હતા. સબબ, માત્ર અને માત્ર ન્યાયના હિતમાં જ અમો વાદીઓએ મજકુરનાં પ્રા. વાદીઓ પાસેથી દાવાવાળી વાદગ્રસ્ત જમીનો માટેનું વેચાણ અંગેના બાનાખતનો અમલ માંગેલ છે. જે વિગત નામ. કોર્ટ ખાસ નોંધવા પાત્ર છે. તેમ છતાં મજકુરની તા. ૧૧/૫/૨૦૧૫ અને તા. ૧૨/૫/૨૦૧૫ ની જાહેરાત મુજબની ખાસ નોંધ લીધા બાદ જ અમો વાદીઓને મજકુરનો દાવો દાખલ કરવાની ખાસ જરૂરીયાત ઉપસ્થિત થયેલ છે. જેના આધારે અમો વાદીઓ તા. ૨/૮/૧૯૯૫ ના વેચાણ બાનાખતના આધારે દાવાવાળી જમીનો માટેનો વિશિષ્ટ કરાર પાલન કરાવવા માટેનો દાવો દાખલ કરવાની જરૂર પડેલ છે. કારણકે અમો વાદીઓ હવે જાણીએ છીએ અને અંતિમ પરીણામ ઉપર પહોંચેલા છીએ કે આ દાવાનાં પ્રા. વાદીઓ હાલમાં મજકુરનાં વેચાણ બાનાખત કરારનો અમલ કરી આપવાનો ઈરાદો ધરાવતા નથી અને તેના આધારે અમો વાદીઓની તરફેણમાં કોઈ સેલ ડીડ/વેચાણ બાનાખતનો અમલ કરી આપવા માંગતા નથી. વધુમાં અત્રે નામ. કોર્ટ સમક્ષ ખાસ જાહેર કરવામાં આવે છે કે, મજકુરની વાદગ્રસ્ત જમીન માટે બીજો એક ખાસ સ્પે. દિવાની દાવા નં. ૮૨૦/૨૦૧૧ અત્રેની કોર્ટમાં પેન્ડીંગ છે. આ કામના પ્ર.વાદી નં. ૧/૧, ૧/૨, ૧/૪ નામે આ કામના પ્ર.વાદી નં. ૧/૩ સામે કરેલ છે.



૧૨) વાદીઓનું વધુમાં કથન એવું છે કે, અમો વાદીઓ સદાને માટે ત્યારથી માંડીને આજદીન સુધી મજકુરના દાવાવાળી કરારનું પાલન કરાવવા માટે રાજી ખુશી અને તૈયાર છીએ અને મજકુરનાં કરારનાં આધારે "સેલ ડીડથી " પણ અમલ કરાવવા માટે રાજી ખુશી અને તૈયાર છીએ. વાદીઓએ વારંવાર ગુજરનાર રામાભાઈ છગનભાઈ પ્રજાપતિ તેમજ પ્રા વાદીઓ પાસે મજકુરના પ્રકરણે સંપર્ક કરેલ છે. અને વાદગ્રસ્ત જમીન માટેનો વેચાણ બાનાખતનો અમલ કરાવવા માટેની વિનંતી કરેલ છે. મજકુરનો વેચાણ બાનાખતનો કરાર કર્યો તે તારીખથી મજકુરનો દાવો દાખલ કરવાની તારીખ સુધી મજકુરના વેચાણ બાનાખતના આધારે વેચાણ બાનાખતનો અમલ કરવા માટે રાજી અને ખુશી છીએ. વાદીઓએ જાતે તથા તેઓનાં પુરોગામીઓ મારફતે વારંવાર અત્રેનાં પ્રકરણે યોગ્ય કરવા સારું પ્ર. વાદીઓનો સંપર્ક કરેલ છે. અને કરારના આધારે વેચાણ ખતનો અમલ કરાવવા માટેની વિનંતી પણ કરેલ છે.

૧૩) અમો વાદીઓનું વધુમાં કથન એવું છે કે, અમો વાદીઓ મજકુરનાં કરારના આધારે બાકી રહેતી રકમ ચૂકવી આપવા સક્ષમ છીએ. સબબ એ રીતે અમો વાદીઓનાં કોઈપણ જાતનાં વાંક કે ગુના વગર મજકુરના દાવાના પ્રા. વાદીઓ અને તેઓના પુરોગામીઓએ અમો વાદીઓને કરારમાં થયેલ વિગતો મુજબ દાવાવાળી વાદગ્રસ્ત જગ્યા માટે "ટાઈટલ કલીયરન્સ સર્ટીફિકેટ " લાવી આપેલ નથી. તેથી અમો વાદીઓ મજકુરની વાદગ્રસ્ત



જગ્યા માટેનાં વેચાણ ખત/સેલ ડીડનો અમલ કરાવી શકેલા નથી. વધુમાં સાચી વિગતે જણાવવાનું કે, મજકુરની વાદગ્રસ્ત જમીનો માટે ઘણા જ દાવા દુવીઓ જુદી જુદી જગ્યાએ પેન્ડીંગ છે. જેની માહિતી દાવામાં આપવામાં આવેલી છે. સબબ મજકુરની વિગતે અને સંજોગોને લીધે અમો વાદીઓને દાવાવાળી વાદગ્રસ્ત જમીનો જેની માટેનો વેચાણ ખત/ સેલ ડીડ મળી શકેલ નથી. જેની નામ. કોર્ટે ખાસ નોંધ લેવા વિનંતી છે.

૧૪) અમો વાદીઓ હવે ગંભીરતાથી જણાવવા માંગીએ છીએ અને અમોને એવી પાકી દહેશત છે કે મજકુર દાવાનાં પ્રા. વાદીઓ હાલમાં દાવાવાળી વાદગ્રસ્ત જમીનો કોઈ ત્રાહિત વ્યક્તિને અમારી જાણ અને સંમતિ વગર ખૂબ જ મોટો આર્થિક લાભ લેવા માટે મજકુરની જમીનોનું વેચાણ કરવા માટેની સતત પેરવીમાં રહેલા છે. અને તેઓ બળજબરીથી મજકુરની દાવાવાળી જમીન અંગેના વાદગ્રસ્ત જમીનો ત્રાહિત વ્યક્તિઓને વેચી દેવાની સતત પ્રવૃત્તિ કરી રહેલા છે. અને આમ કરીને દાવાનાં પ્રા. વાદીઓ મજકુર દાવાવાળી વાદગ્રસ્ત કરારનું વિશિષ્ટ પાલન યાને સ્પેશીફીક પરફોમન્સ " કરી કરાવી આપવા માટે તૈયાર નથી તેવું હવેથી સ્પષ્ટ થાય છે. સબબ મજકુરનો દાવો દાખલ કરીને અમો વાદીઓ પાસે તા. ૨/૮/૧૯૯૫ ના કરારનું પાલન કરાવવા માટેની દાદ ન્યાયના હિતમાં મેળવવા માટેની જરૂરીયાત ઉપસ્થિત થયેલ છે.

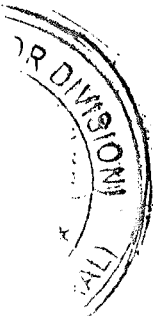


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૧૫) અમો વાદીઓનું વધુમાં કથન એવું છે કે, અમો વાદીઓને દાવાવાળી વાદગ્રસ્ત જમીનો ઉપર અમારા કાયદેસરના રાઈટ, ટાઈટલ અને ઈન્ટરેસ્ટ ઉપસ્થિત થયેલા છે. સબબ મજકુરનાં દાવાના પ્રા. વાદીઓ પાસે વાદગ્રસ્ત જમીનો ટ્રાન્સફર/તફદીલ કરવા માટેનો કોઈ જ હકક કે અધિકાર નથી. કારણકે અમો વાદીઓએ અત્રેનાં દાવાનાં પ્રા. વાદીઓને દાવાવાળી વાદગ્રસ્ત જમીન પરત્વે કુલ રૂ. ૫,૭૫,૦૦૦/- ની માતબર રકમ ચૂકવી આપેલી છે. સને ૧૯૯૭ સુધી રકમ ચૂકવી આપેલ છે.

સબબ ન્યાય સંહીતાની સંમતી (ઈકવીટી) અમો વાદીઓનાં લાભમાં જ છે. કારણકે મજકુરની અવેજની રકમ ગુજરનાર શ્રી રામાભાઈ છગનભાઈ પ્રજાપતિનાઓએ એટલે કે દાવાનાં પ્રા. વાદીઓનાં પૂરોગામીએ લેખિતમાં સ્વીકારેલ છે. જેની તમામ વિગતો સ્પષ્ટ રીતે તા. ૧૬/૩/૧૯૯૫ ના કરારમંદેખાઈ/જણાઈ આવે છે. જે નામ. કોર્ટને વિદીત થાય.

૧૬) વાદીઓ વિશ્વાસ અને ભરોસો આપીને જણાવીએ છીએ કે, જો નામ. કોર્ટ મજકુરની વાદગ્રસ્ત જગ્યા માટે/ યાને ૧૫૬૦૮ ચો.વાર. વાળી જગ્યા માટે યાને કુલ ૮૫૫૫ ચો.વાર. વાળી જગ્યા માટે જો હાલની માર્કેટ વેલ્યુ ચૂકવવાનો હુકમ કરશે તો અમો વાદીઓ તે ચૂકવી આપવા માટે તૈયાર છીએ. મજકુરની રકમ અમો વાદીઓ અગાઉથી ચૂકવેલી રૂ. ૫,૭૫,૦૦૦/- ની રકમ રૂપીયા ૮૫/- દર ચો.વાર.ના ભાવે ચૂકવી આપેલ છે. તેવી રકમ બાદ કરીને ચૂકવી આપવા માટે તૈયાર છીએ અમો



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વાદીઓ જણાવીએ છીએ કે, અમોએ અગાઉ રૂ. ૫,૭૫,૦૦૦/- ની રકમ રૂ. ૮૫/- દર ચો.વારનાં ભાવથી સને ૧૯૮૫-૧૯૮૭ ના સમય ગાળામાં ચૂકવી આપેલ છે. વધુમાં વાદીઓએ યાને ૬૦૫૩ ચો.વાર. વાળી જમીનો માટે યાને કે કુલ ૧૫૬૦૮ ચો.વાર. વાળી જમીન માટે (એટલે કે રૂ. ૫,૭૫,૦૦૦/- રૂ. ૮૫/- ના ભાવે ૬૦૫૩/- જમીન માટેની માતબર રકમ ચૂકવી આપેલ છે. સબબ એ રીતે અમો વાદીઓ બાકી રહેતી યાને ૮૫૫૫ ચો.વાર. વાળી જમીનો જોઈતી બાકી રહેતી અવેજની રકમ (એટલે ૧૫૬૦૮-૬૦૫૩= ૮૫૫૫/- ચો.વાર. વાળી જમીન પરત્વે જે માર્કેટ વેલ્યુ થતી હશે તે ચૂકવી આપવા માટે અમો રાજીખુશી છીએ. સબબ નામ. કોર્ટ મજકુરની વિગતો અને સંજોગોને માન્ય રાખીને અમો વાદીઓએ માંગેલ દાદ અમોને મળે તેવી વિનંતી સાથે દાદ માંગવામાં આવેલ છે.

૧૭) મજકુર મનાઈ અરજી દાખલ કરવાનું કારણ આપ નામ. કોર્ટની હુકમતમાં ઉપસ્થિત થયેલ છે કારણે દાવાવાળી વાદગ્રસ્ત જમીનો મોજે ગામ હેબતપુર, તા.દસ્ક્રોઈ, જી.અમદાવાદમાં આવેલ હોઈ તે મિલકત નામ. કોર્ટની હુકમતમાં આવેલ છે અને તે મિલકતનો બાનાખતનો કરાર હોઈ સદર અરજી આપ નામ. કોર્ટની હુકમતમાં આવતી હોઈ સદર અરજી ચલાવવાની આપ નામ. કોર્ટને સત્તા છે.

૧૮) મનાઈ અરજી કરવાનું કારણ :-



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આ કામના વાદીઓ સાથે પ્રા. વાદીઓના મહુમ રામાભાઈ છગનભાઈ પ્રજાપતિએ તા. ૧૬/૩/૮૫ તથા તા. ૨/૮/૮૫ ના રોજ દાવાવાળી જમીનનો પોતાનો હિસ્સો વેચાણ આપવાનો કરાર કર્યો અને બાનાની રકમ સ્વીકારી ત્યારથી તેમજ મહુમ રામાભાઈ છગનભાઈએ દાવાવાળી મિલકત જમીન અંગે પોતે સર્ટીફાઈડ નકલો જેવી કે, ૭/૧૨ તથા ૮(અ) તથા ૬ હકક પત્રકની નોંધ તથા ઈન્કમેટેક્સ કલીયરન્સ તથા ટાઈટલ કલીયરન્સ સર્ટી અને "પાર્ટીશન ડીડ" સમયસર નહીં લાવી આપી સમય પસાર કર્યો અને પોતે બિમારીમાં પડ્યા અને તેમનું તા. ૨૬/૧૧/૨૦૦૩ ના રોજ અવસાન થતાં તથા ત્યારબાદ હાલના પ્રા. વાદીઓ એ વાદીઓને વેચાણ દસ્તાવેજ કરી આપવા વીલ પ્રોબેટ માંગવાનું કારણ આપ્યું ત્યારથી તેમજ વીલનું બહાનું બતાવ્યું ત્યારથી તેમજ પ્રા. વાદીઓએ ગઈ તા. ૧૧/૫/૧૫ ના રોજ ગુજરાત સમાચારમાં તથા તા. ૧૨/૫/૧૫ ના રોજ " સંદેશમાં" ટાઈટલ કલીયરન્સની જાહેરાત આપી દાવાવાળી જમીનો ત્રાહીત વ્યક્તિઓને વેચી દેવાના પ્રયત્નો શરુ કર્યા ત્યારથી વાદીઓનો પ્રા.વાદીઓ વિરુદ્ધ તા. ૧૬/૩/૮૫ તથા તા. ૨/૮/૮૫ ના કરારનું પાલન કરાવવા સારું દાવો કરવાનું કારણ ઉપસ્થિત થયેલ છે. અને આ દાવો કરી પ્રા. વાદીઓ ત્રાહીત વ્યક્તિઓને દાવાવાળી જમીન વેચી દેવાના કરાર કરતાં અટકાવવા માટે આ મનાઈ અરજી કરવાની જરુર ઉભી થઈ છે.

૧૮) અમો વાદીઓનો પ્રથમ દર્શનીય પ્રાયમાફેસી કેસ છે. બેલેન્સ ઓફ કન્વીન્યસ અમો વાદીઓના લાભમાં છે. જેથી અમો વાદીઓને માંગ્યા મુજબનો કામચલાઉ મનાઈ હુકમ આપવા મહે. કરશોજી.

MISSION

૨૦) જો અમો વાદીઓને માંગ્યા મુજબનો મનાઈ હુકમ આપવામાં ન આવે તો અમો વાદીઓને પારાવાર નાણાંથી પણ મળી ન શકે તેવું પારાવાર નુકશાન થાય તેમ છે. જ્યારે આ કામના પ્ર.વાદીઓને કોઈ જ નુકશાન થાય તેમ નથી. જેથી અમો વાદીઓને માંગ્યા મુજબનો કામચલાઉ મનાઈ હુકમ આપવા મહે. કરશોજી.

૨૧) સબબ અરજ કરી દાદ માંગવાની કે,

(અ) ઉપરોક્ત વાદ વાળી જમીન અંગેના સ્પેસીફિક પરફોમન્સનો દાવો ચાલે ત્યાં સુધી આ કામના પ્રા. વાદીઓ કે તેમના માણસો, નોકરો, એજન્ટો, પાવર ઓફ એટર્નીઓ કે અન્ય કોઈ વ્યક્તિને વેચે વેચાવે નહી કે ટ્રાન્સફર, ગીરો, બક્ષીસ, એસાઈન કરે કરાવે નહી કે તેવું અમો વાદીઓની તરફેણમાં અને પ્રા. વાદીઓ વિરુદ્ધ કામચલાઉ મનાઈ હુકમ કરી આપવા મહે. કરશોજી.

(બ) આપ નામ. કોર્ટને બીજી યોગ્ય અને વ્યાજબી લાગે તેવી અન્ય દાદ ફરમાવશોજી.

૨૨) આ કામચલાઉ મનાઈ અરજી ઉપર રુ. ૧૦૦/- નો કોર્ટ ફી સ્ટેમ્પ લગાડેલ છે.

૨૩) આ કામે અરજીની હકીકતો સાચી હોવા બાબતે એફીડેવિટ સામેલ છે.



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૨૪) પ્ર.વાદીઓને આપવાની અરજીની નકલો સામેલ છે.

અમદાવાદ.

તા ૩/૭/૨૦૧૫.

રવિન ચરેલ

*[Signature]*  
દિ. ૩/૭/૨૦૧૫  
ઈકરા ૨.

અમો વાદી આજરોજ શહેર અમદાવાદ મધ્યે ઈકરા કરી  
જણાવીએ છીએ કે, અમો વાદીઓએ દાવા અરજીમાં લખેલ તમામ હકીકત  
સાચી અને ખરી છે.

અમદાવાદ.

તા ૩/૭/૨૦૧૫.

રવિન ચરેલ

વાદી નં. ૧.

*[Signature]*

વાદી નં. ૨.





Sp1. REG. CIVIL SUIT NO. 352 /2015

ORDER BELOW EXHIBIT 5

Heard the Ld. Advocate for plaintiff, also perused the case papers including the present application.

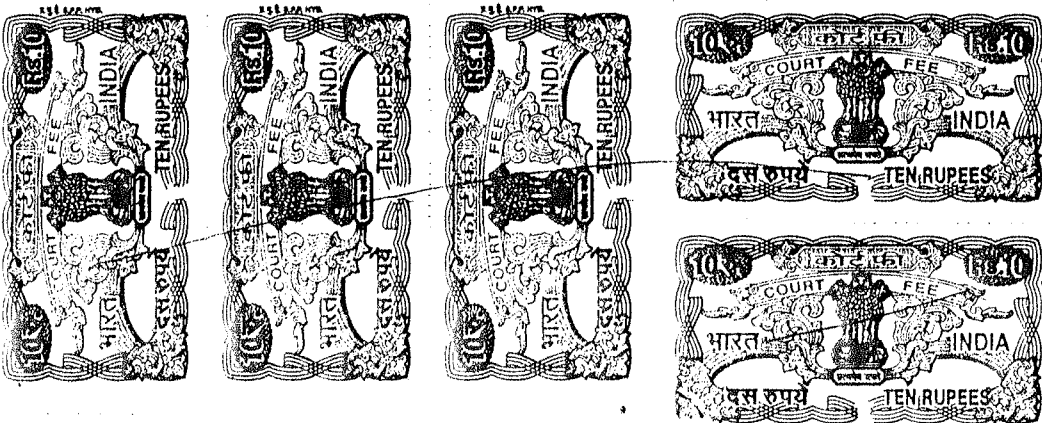
From the facts and circumstances of present case, it appears that it shall be in the interest of justice, if other side is also given an opportunity of being heard before passing any order against it. Hence, I pass the following order.

ORDER

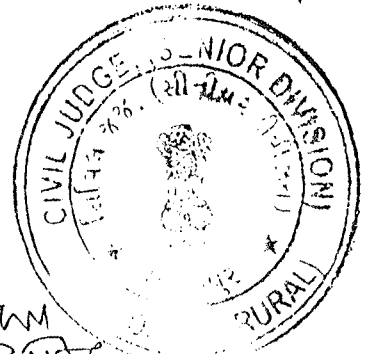
Urgent show cause notice is ordered to be issued to the defendant hereof on payment of P.F. R./O./ / /2015.

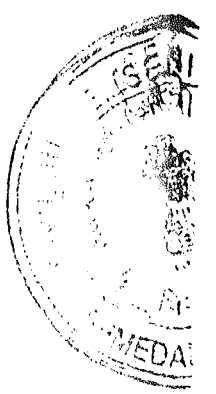
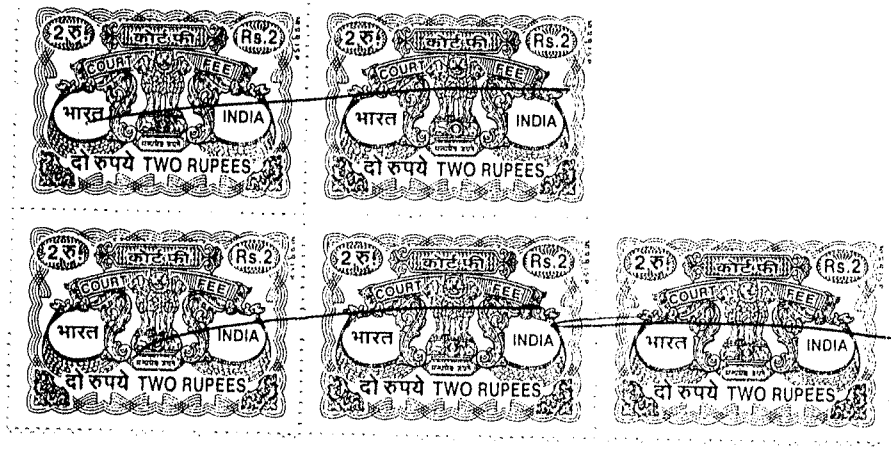
Pt. 3/7/15.

*Nonline re D.*  
JIC Principal Senior Civil Judge  
Ahmedabad (Rural) @ Ahmedabad.



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**ORDER BELOW EXHIBIT NOS. 5 IN**  
**SPECIAL CIVIL SUIT NO. 352 OF 2015**

**SUBJECT : APPLICATION FOR INTERIM INJUNCTION.**

1. Plaintiff submitted written argument of this injunction application at Exhibit No. 22 and heard the Advocate for the defendant Mr. G. P. Bhavsar. Plaintiffs entered into two agreement of sale with deceased Ramabhai Chaganbhai Prajapati on dtd 20th March, 1995 and on 2nd August, 1995. Defendants are heirs and legal representatives of the deceased Ramabhai Chaganbhai Prajapati. First agreement mark 3/2 dtd 16.3.1995 pertains to agricultural land of block No. 65 of Village: Hebatpur for the area measuring 10,285 sq. yards for total consideration of Rs. 9,77,075/- and second agreement mark 3/1 executed on dtd 2.8.1995 pertains to agricultural lands of survey No. 67, 68, 69 and 73/2 total measuring area of 15,608 sq. yards. As per the contention of the plaintiff, plaintiff paid Rs. 5,75,000/- against the first agreement to deceased Ramabhai and subsequently paid Rs. 2,25,000/- to the deceased after second agreement dtd 2.8.1995. It is averred in the plaint that unit sale price in the second agreement is not mentioned because of the previous agreement has already mentioned the sale price. So, it was not repeated in the second agreement.

2. On 26.11.2003, deceased Ramabhai was expired and the legal representatives of the deceased have mentioned that due to legal proceedings going on with respect to the suit properties in probate Court, they are unable to execute the sale deed. There is dispute going on between the defendants, inter-se, in SCS No. 820/2011. It is averred that plaintiff is ready and willing to pay the remaining consideration to the legal representatives of the deceased, but defendants are intending to dispose of the suit property to the third party, to frustrate the sale agreements. Hence, plaintiff has filed this injunction application.

3. Advocate for the defendant has argued that as per the revenue records, deceased Ramabhai Chaganbhai Prajapati does not have title towards the suit properties as

27/6/16



mentioned under second agreement. Under second agreement, deceased has mentioned his 1/3rd share on the properties of block No. 65, 67, 64, 70 and executed the sale agreement of total land area of 15,608 sq. yards of lands for the total consideration of Rs. 14,82,760/- at the rate of Rs. 95/- per sq. yard. In first agreement, deceased agreed to sale entire land of block No. 65 but in subsequent agreement, it is mentioned 1/3rd share land and share of other lands.

4. If we perused the both the agreements, in second and last agreement bearing mark 3/1, period of performance of the contract was agreed for 12 months and plaintiff was to pay remaining consideration amount to the seller and deceased was to execute the sale deed in favour of the plaintiff. So the period of agreement was fixed for 12 months. During that time, plaintiff did not pay the full consideration to the plaintiff and deceased Ramabhai Chaganbhai Prajapati could not produced the partition deed with his brothers and could not produce title clearance certificate. So as per the contention of the plaintiff, they could not enforce the sale agreement against the deceased. 16 years have been passed after execution of the sale agreement with deceased and plaintiff have filed this suit for specific performance of the agreement against the legal representatives of the deceased. So plaintiff's suit is bad for delay and laches. Period of performance of the contract is clearly mentioned in the sale agreement and under the terms of the sale agreement, plaintiff was to pay full consideration to the deceased within one year, which is not paid up. As per the revenue records, deceased Ramabhai Chaganbhai Prajapati does not become exclusive owner of the suit properties, agreed under to sale. Defendants denied such averments in the plaint of the plaintiff and contended that plaintiff has approached after 20 year for the specific performance of the agreement made by the deceased in the year 1995. So the suit for specific performance is time barred and if time is essence of contract its performance should be enforced within reasonable time.

5. Considering the facts in the present case, subsequent litigation under tenancy law started in the year 2001-02, before that 5 to years past due to non-performance of the agreement and this suit is filed in the year 2015. As per the terms of the agreement, 12 months of time is the essence of the contract. During that period, contract could not be

Re  
27/6/16



realised and even thereafter many years have passed. So plaintiff has does not have prima-facie case due to delay and latches. Due to non-performance of the agreement within reasonable time. After 20 years of the execution of the agreement price of the properties have increased exorbitantly. So the terms of the original agreement cannot be implemented. So the balance of convenience is not in favour of the plaintiff. If the injunction as prayed for, is granted, considering the non-performance of the contract by the defendants, then it would amount to more hardship to the defendants. So in the present set of facts, plaintiff has no prima-facie case for the interim injunction application as prayed for. Hence, present application for interim injunction is hereby disallowed.

Order pronounced in the open Court on today i.e. 27th June, 2016.

Date: 27th June, 2016  
Ahmedabad

*B*  
27/11/16.  
( Pinakin S. Joshi )  
Principal Senior Civil Judge  
Ahmedabad (Rural)

rvp@tel.pa

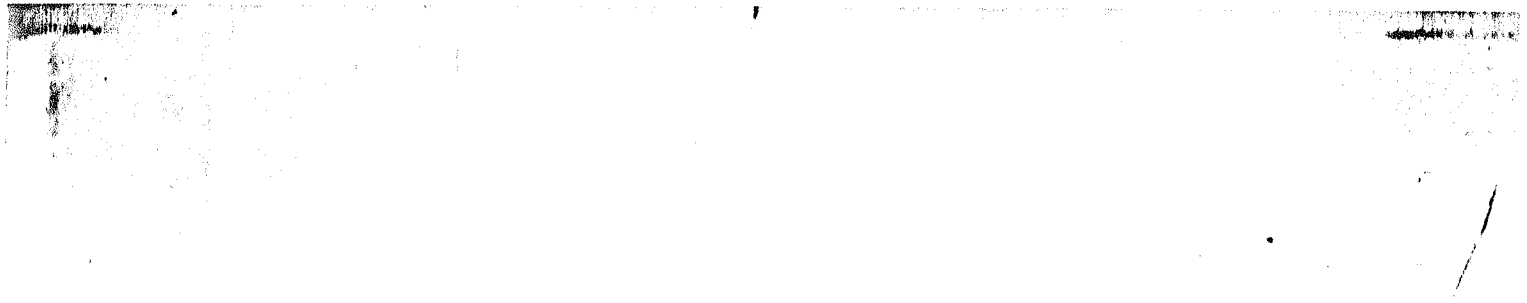
seen

*Ms. Dugan  
Advocate for  
Pleasant*

Aslam  
Abdullah  
DFF

*[Handwritten signature]*





26/6/11 26/6/11  
Principal Senior  
IN THE COURT OF CIVIL JUDGE (S.D) AHMEDABAD  
(RURAL) AT AHMEDABAD

26/6/11

Principal Senior  
IN THE COURT OF CIVIL JUDGE (S.D) AHMEDABAD  
(RURAL) AT AHMEDABAD

SPECIAL CIVIL SUIT NO. 820 OF 2011

1. Jamnaben  
Wd/o Ramabhai Chaganlal,  
Adult, Occupation Household work,
2. Maheshbhai S/o Ramabhai Chhaganbhai  
Prajapati,  
Adult, Occupation Agriculture,
3. Naginbhai S/o Ramabhai Chhaganbhai  
Prajapati,  
Adult, Occupation Agriculture,  
All Residents of Baliyavas,  
Amraiwadi, Ahmedabad.

... Plaintiffs

Versus

1. Kantibhai Ramabhai Prajapati,  
Adult, Occupation Service  
Resident of 654, Ambica Bhuvan,  
Baliyavas, Amraiwadi,  
Ahmedabad - 26.
2. Sashikant Vasudev Patel,  
Adult, Occupation Agriculture,  
Resident of 17, Heritage Home,  
Thaltej - Shilaj Road,  
Thaltej, Ahmedabad.

... Defendants



આવી રીતે  
જાણીતો રામાભાઈ ચગનલાલ  
જાણીતો રામાભાઈ ચગનલાલ  
જાણીતો રામાભાઈ ચગનલાલ

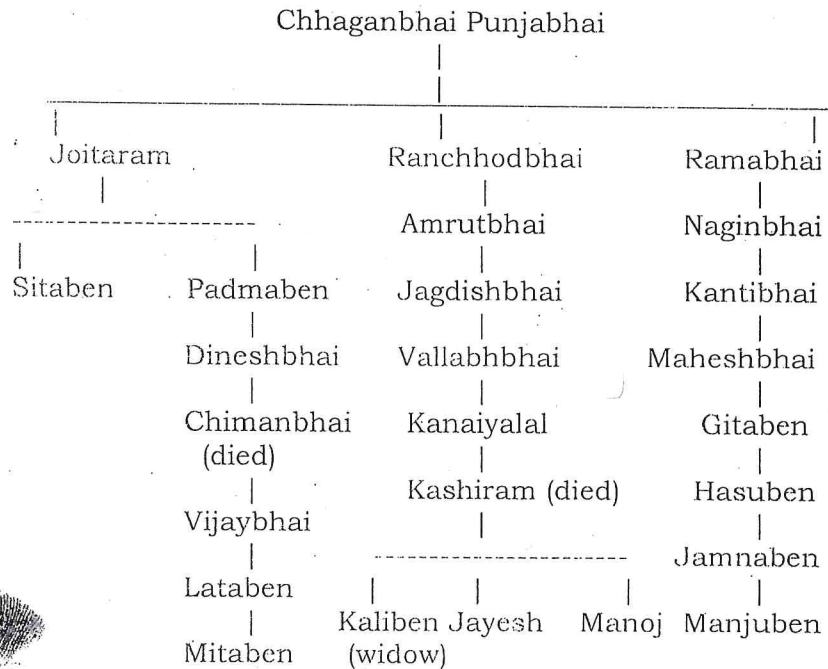
Suit for declaration, permanent  
injunction and for setting aside  
the sale deeds

Suit valued at Rs.23,00,000/-  
for all purposes

જાણીતો રામાભાઈ ચગનલાલ  
જાણીતો રામાભાઈ ચગનલાલ

The plaintiffs, above named, beg to submit as under:

1. That the present plaintiffs Nos.2 & 3 and the defendant No.1 are the sons of plaintiff No.1 and plaintiff No.1 is the widow of deceased Ramabhai Chaganbhai. That properties bearing Survey/Block Nos.64, 65, 67 and 70 situated in the sim of Mouje Hebatpur, Taluka Dascroi, District Ahmedabad originally belonged to Chaganbhai Punjabhai. Chaganbhai Punjabhai died long back and the said sour Survey/Block Nos. were purchased by the sons of deceased Chaganbhai Punjabhai. The pedigree is as under:



મારી રજૂઆત  
જામાગત રામાબાઈ યમુનના  
કમળાં હાથના સંબંધોનું નિદાન  
કરેલું.

VCH Kaly



2. Thus, in the aforesaid Survey/Block Nos. Ramabhai had one-third share in the property. That the description of the property is given in the last paragraph, however, the total measurements of each Survey/Block No. is as under:

|                                          |                |
|------------------------------------------|----------------|
| Survey/Block No.64<br>(Old Survey No.67) | 14873 sq.mtrs. |
| Survey/Block No.65<br>(Old Survey No.68) | 8600 sq.mtrs.  |
| Survey No.67<br>(Old survey No.69)       | 10724 sq.mtrs. |
| Survey No.70<br>(Old Survey No.73/2)     | 4958 sq.mtrs.  |
| Total area                               | 39155 sq.mtrs. |

3. That out of this total area only one-third share would go to Ramabhai husband of the plaintiff No.1 and father of the plaintiffs Nos.2 & 3.

4. That Ramabhai has expired on 26.11.2003. That deceased Ramabhai had made his last Will, which is a registered Will. That under the said Will, his undivided share in the property has been given to the present plaintiffs. Apart from the said Survey Nos., the deceased had also his exclusive property in the Survey No.3/10/4 and Census No.654/4

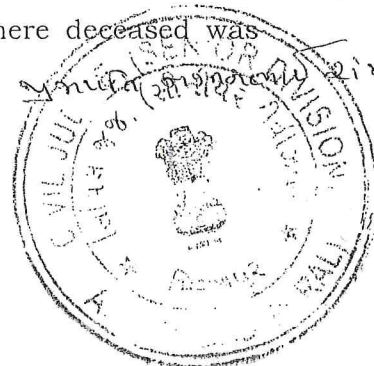
admeasuring 12.04 sq.mtrs. where deceased was

સાક્ષી રામજી

રામજીના રામજીના પુત્રાના  
રામજીના રામજીના પુત્રાના  
રામજીના રામજીના પુત્રાના

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પામજીના રામજીના પુત્રાના



residing and one tenement No.10/4 admeasuring 61.46 sq.mtrs. as well as one another tenement at village Vadad, Gandinagar bearing Survey No.104/2/312 paiki agricultural land admeasuring 2 Acres and 35 gunthas. Similarly agricultural land bearing Survey No.112, Survey No.111, Survey No.102/1 and the undivided share in the property bearing Survey/Block Nos.64, 65, 68 and 70. All these properties as well as the other properties, are enumerated in the Will and according to that Will the properties have been given to the present plaintiffs as stated in the Will. That in this Will except the joint properties which are stated hereinabove of sons of deceased Chaganbhai Punjabhai, rest of the properties are the private properties of deceased Ramabhai. That no property or share in the property is given by the deceased in favour of Kantibhai.

5. That the present plaintiffs have already filed an application for obtaining Probate bearing Probate Application No.9/2007, which is pending for the final disposal in the court of learned Second Joint Sr. Civil Judge at Mirzapur, Ahmedabad.

મહા સુજ્ઞાન  
જાનકાબાઈ રામભાઈ  
રામભાઈના અમુક દીકરા  
અંગત નિર્ણય કરીને  
Val Key

પ્રમાણિત અદાલત દ્વારા કરેલ નિર્ણય



6. That during the pendency of this application, it has come to the notice of the present plaintiffs that Kantibhai, who has no right, title or interest in the property, even then these properties being land bearing Survey/Block Nos.64, 65, 67 and 70 all situate at Mouje village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar) out of which sale is effected as under:

| Survey No. | Whole area ( Sq.mtrs.) | Sale of Undivided Share (Sq.mtrs) | Value (In Rs.) |
|------------|------------------------|-----------------------------------|----------------|
| 64         | 14873                  | 708                               | 8,85,000/-     |
| 65         | 8600                   | 409                               | 5,15,000/-     |
| 67         | 10724                  | 510                               | 6,40,000/-     |
| 70         | 4958                   | 236                               | 3,00,000/-     |

The sale deed of land bearing Survey/Block No.64 (Old Survey No.67) situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar), admeasuring 708 sq.mtrs., was registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) vide Sr.No.7292/16 dated 25.05.2010.

આથી સંતોષ  
જાહેરાત અમલમાં  
પ્રમાણિત કરવામાં આવેલ  
અનુક્રમિત મિલકત સંબંધે  
વતીકા

પ્રમાણિત કરવામાં આવેલ અનુક્રમિત મિલકત સંબંધે



Similarly, the sale deed of land bearing Survey/Block No.65 (Old Survey No.68) situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar), admeasuring 409 sq.mtrs., was registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar), vide Sr.No.7289/16 dated 25.05.2010.

The sale deed of land bearing Survey/Block No.67 (Old Survey No.69) situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar), admeasuring 510 sq.mtrs., was registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) vide Sr.No.7292/16 dated 25.05.2010.

Similarly, the sale deed of land bearing Survey/Block No.70 (Old Survey No.73/2) situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar), admeasuring 239 sq.mtrs., was registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) vide Sr.No.7292/16 dated 25.05.2010.



મહારી રૂબરૂમાં  
અમદાવાદ રાજ્યના પુનર્વસી  
અમદાવાદ રાજ્યના પુનર્વસી  
નિવાસી હોવાથી  
VatKaly

પુનર્વસી મદદનીશ તાલુકા રાજ્યના



7. Thus, the defendant has no right, title or interest in any of the property and deceased Ramabhai has also made a Will in which no property is given to Kantibhai. Even then the aforesaid sales have been effected, which are illegal and therefore, the sales which are registered one are required to be set-aside and cancelled and they are required to be removed from the books of the office of the Sub-Registrar.

8. It is submitted that after the death of Chaganbhai, Ramabhai and his brothers purchased property bearing Survey/Block Nos.64, 65, 67 and 70. Rest of the properties were exclusive properties of deceased Ramabhai, which is inherited as per the Will. That the present plaintiffs and the other heirs and sons of deceased Chaganbhai Punjabhai namely, Joitaram and Ranchhodbhai are the co-owners and so far no partition has taken place and therefore, the plaintiffs and other persons who are shown in the pedigree are having the joint possession. It is submitted that the heirs of deceased Joitaram have also filed a suit for partition because, son of deceased Chimanbhai

અર્થે રજીસ્ટ્રાર  
અગત્યના દસ્તાવેજો  
અર્થે રજીસ્ટ્રાર  
નિર્ણય કરેલ છે.

Vatkey

પ્રમુખ મહેસાણા રામભાઈ અને રાંછોદભાઈ

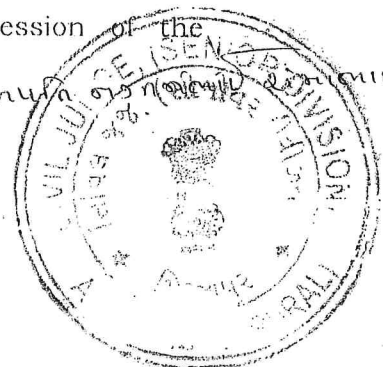


had followed a similar strategy of selling of the joint family properties and for which the heirs of deceased Joitaram have filed a suit for cancellation of the sale deeds. In a similar manner, the present defendant No.1 has also sold some shares in the property under the guise that he has undivided shares therein. However, the present defendant No.1 has not been given any right in the property by the deceased Ramabhai and therefore, the Will which was made way back in the year 2007 and the defendant had knowledge of the same and therefore, it is unfortunate that with a view to cause difficulties to the present plaintiffs, said Kantibhai defendant here in has executed the sale of the aforesaid properties, as indicated hereinabove on his undivided share. The sale deeds are executed in the month of May, 2010 and those sale deeds have been executed in favour of the defendant No.2. Thus, the transfer of undivided shares by defendant No.1 in favour of defendant No.2 is illegal and therefore, all the sale deeds are required to be quashed and set-aside.

9. It is submitted that the properties are joint family properties and they are in possession of the

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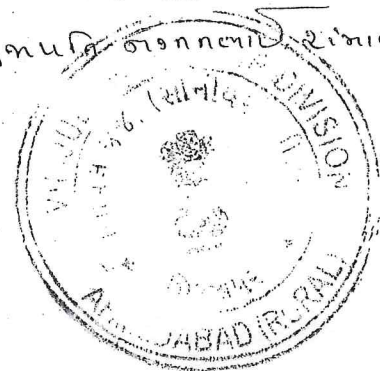
plaintiffs and other heirs of the deceased however, excluding Kantibhai who is staying separately. However, it is also submitted that it is a joint family property and therefore, a stranger namely, the defendant No.2 herein cannot have a right of joint possession. In fact, the sales have been effected but no possession is given nor defendant No.2 has made any attempt so far to interfere with the possession. But there is an apprehension that the defendant No.2 may, on the ground of being the owner of the property under the alleged sale deeds, which are to be quashed and set-aside by this suit, try to interfere with the possession and therefore, with a view to avoid the conflict between the parties, at the earliest this suit is filed on having come to know about the sale for appropriate relief.

10. That the certified copies of the relevant Survey/Block Nos. in which the entries have been effected of the sale in question, were obtained in March, 2011 and therefore, after taking appropriate advise, the present suit is filed. Some time is also spent for getting the certified copies from the Registrar of Documents and the

મહત્તી રજીસ્ટ્રાર  
સાબરમતી રાજકોટ  
પ્રાંતિક સરકાર દ્વારા  
અનુમતિ મેળવી શકાયેલ

Vallabhbhai

પ્રાંતિક સરકાર દ્વારા અનુમતિ મેળવી શકાયેલ



documents were also obtained only in the first week of July, 2011 and therefore, this suit is filed soon thereafter and within the period of limitation from the date of knowledge.

11. That the cause of action has arisen when the defendant No.1 sold Survey/Block Nos.64, 65, 67 and 70 and got the sale deeds registered and when the plaintiffs, on inquiry and obtaining the village form No.7/12 in March, 2011 got the knowledge and thereafter the certified copies of the sale deeds were procured from the office of the Sub-Registrar in the first week of July, 2011 and therefore, immediately the present suit is filed and therefore, the suit is within the period of limitation.

12. That all the lands are situated at Hebatpur, within the jurisdiction of this Hon'ble Court. Therefore, this Hon'ble Court has jurisdiction to try, entertain and decide this suit.

13. The plaintiffs, therefore, pray that

a) This Hon'ble Court be pleased to hold and declare that defendant No.1 has no right to

અહીં રજીસ્ટ્રાર  
અસાધારણ રાખવામાં  
આવેલો અગાઉનો  
સર્વેકોર્ડ નિર્ણય કરેલ.

Vaikesh

જામીની અરજીમાં રજીસ્ટ્રારના આદેશનું અનુકરણ



sell the joint family properties of deceased Ramabhai as well as the ancestral properties inherited from Ramabhai.

b) This Hon'ble Court be pleased to hold and declare that the defendant No.1 has wrongly sold undivided share in the properties namely, Survey Nos.64; 65, 67 and 70 to defendant No.2 and therefore, all the sale deeds, namely,

(i) The sale deed of land bearing Survey/Block No.64 (Old Survey No.67) situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar), admeasuring 708 sq.mtrs., was registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) vide Sr.No.7292/~~12~~ dated 25.05.2010.

(ii) The sale deed of land bearing Survey/Block No.65 (Old Survey No.68) situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District

મારી રજીસ્ટ્રાર  
અમદાવાદ/મીનાગર  
પ્રમાણિક અમલી હાથે  
સંપૂર્ણ નિદાન કરેલ છે.  
Valkesh

પ્રમાણિક અદેશીય રીતિમાન પ્રમાણિક અમલી હાથે



Ahmedabad-3 (Memnagar), admeasuring 409 sq.mtrs., was registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar), vide Sr.No.7289/14 dated 25.05.2010.

(iii) The sale deed of land bearing Survey/Block No.67 (Old Survey No.69) situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar), admeasuring 510 sq.mtrs., was registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) vide Sr.No.7292/10 dated 25.05.2010.

(iv) The sale deed of land bearing Survey/Block No.70 (Old Survey No.73/2) situate at Mouje Village Hebatpur, Taluka Dascroi, District Ahmedabad, Sub-District Ahmedabad-3 (Memnagar), admeasuring 239 sq.mtrs., was registered with the office of the Sub-Registrar, Ahmedabad-3 (Memnagar) vide Sr.No.7292/~~15~~, dated 25.05.2010.

મહારી રૂઢિઆં  
જમનાલન રામાનાથ પ્રમુખાના  
જમનાં દાસના અંગુષ્ઠાં  
નિશાન કરોલ લો,  
Val Keshp



be ordered to be set-aside and cancelled.

- c) This Hon'ble Court be pleased to hold and declare that the defendant No.1 has no right to sell agricultural lands of the joint family and in turn the defendant No.2 has no right to share the joint possession with the present plaintiffs and in turn this Hon'ble Court be pleased to permanently restrain the defendant No.2 from interfering with the possession of the present plaintiffs.
- d) That the defendants, their servants, agents be permanently restrained from transferring, alienating, mortgaging, gifting or dealing with the suit properties in any manner whatsoever namely, land bearing Survey/Block Nos.64, 65, 67 and 70 of village Hebatpur, Taluka Dascroi, District Ahmedabad.
- e) Costs of this suit be provided for to the plaintiffs.

મહોદય  
જાણીતા અધિવાસી યાજ્ઞા  
જાણી ડાહ્યા અધિવાસી નિવાસ  
કરીલેલો. V.K. Keshav

જાણીતા અધિવાસી યાજ્ઞા



f) Such other and further relief as this Hon'ble Court may deem just, fit and expedient be granted in favour of the plaintiffs.

14. The suit is for declaration and injunction and for setting aside the sale deeds and therefore, the same is valued at Rs.23,00,000/- and therefore, a court-fee stamp of Rs. 39876/- is affixed on the plaint.

15. Vakalatnama, list of documents and copies for the service of the defendants are appended herewith.

16. The address of the plaintiffs as stated in the cause title of the plaint is true and correct and is in conformity with the provisions of Order VI Rule-14A of the Code of Civil Procedure, 1908.

17. All the properties are bounded as under:

Survey No.64

On or towards North : Survey No.65

On or towards South : Survey No.55-56

On or towards East : Survey No.50

On or towards West : Survey No.63



ଆଜି ୨୦୧୩  
ଆଜିର ଅଭିଯୋଗ ଗ୍ରହଣ  
ଆଜିର ଅଭିଯୋଗ ଗ୍ରହଣ  
ଶ୍ରୀ ଶ୍ରୀ. V. K. S.

ଆଜିର ଅଭିଯୋଗ ଗ୍ରହଣ  
ଆଜିର ଅଭିଯୋଗ ଗ୍ରହଣ

Survey No.65

On or towards North : Survey No.67

On or towards South : Survey No.64

On or towards East : Survey No.49-50

On or towards West : Survey No.66

Survey No.67

On or towards North : Survey No.71

On or towards South : Survey No.65

On or towards East : Survey No.49

On or towards West : Survey Nos.66-68

Survey No.70

On or towards North : Survey No.72

On or towards South : Survey No.67-68

On or towards East : Survey No.71

On or towards West : Survey No.69

18. An affidavit in support of this plaint is filed

herewith.

Place: Ahmedabad.,

Date : 26-08-2011.

Advocate for plaintiffs

મારી રજીસ્ટ્રેશન  
અમારા રાજ્યના પ્રમુખ  
અમારી દિશાના અધિકારી  
વિશાલ શ્રીવાસ્તવ  
Valkesh

પ્રમુખ નિરીક્ષક રાજ્યના  
અમારા રાજ્યના રાજ્યના



## VERIFICATION

I, Jeevan R. Bhagubhai, adult, occupation  
Agriculture/Household, the plaintiff No. \_\_\_\_\_ herein,  
resident of Ahmedabad, do hereby state and verify that  
what is stated hereinabove is true to the best of my own  
knowledge, information and belief; and I believe the same to  
be true.

Verified at Ahmedabad on this 26th day of  
August, 2011

Identified by me

Deponent

સાહેબ રાજેશ

સાહેબ રાજેશ  
અમદાવાદ - ગાંધી  
દિવાન સરકારી મિલકત  
સીનિ.કો. વોલકેટ

26/08/2011  
સાહેબ રાજેશ  
સીનિ.કો. વોલકેટ

સાહેબ રાજેશ

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