

Gujarat High Court

Bimalkumar vs Manjulaben on 15 April, 2010

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SCA/3977/2010 2/ 2 ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL  
CIVIL APPLICATION No. 3977 of 2010

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BIMALKUMAR  
CHANDRAKANT PATEL - Petitioner(s)

Versus

MANJULABEN  
WD/O CHANDRAKANTBHAI BABUBHAI PATEL & 1 - Respondent(s)

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Appearance

:

MR ATIT THAKOR for MR PARTHIV A  
BHATT for Petitioner(s) : 1,  
None for Respondent(s) : 1 -  
2.

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CORAM

:

HONOURABLE

MR.JUSTICE RAVI R.TRIPATHI

Date  
: 15/04/2010

ORAL  
ORDER

1.0 Heard learned Advocate Mr. Atit Thakor for Mr. Parthiv Bhatt for the petitioner. The petitioner original plaintiff appellant is before this Court being aggrieved by an order passed by the learned Principal Civil Judge, Dakor dated 27th February 2009 below application exh. 5 in Regular Civil Suit No. 26 of 2007, whereby, exh. 5 application was rejected and interim order granted on 11th June 2007 was vacated. Against that, a Civil Misc. Appeal No. 25 of 2009 was preferred before the learned 1st Appellate Judge, who too, dismissed that appeal by judgment and order dated 4th February 2010.

2.0 The learned advocate for the petitioner submitted that the petitioner original plaintiff is residing in the property in question since long and it is his case that this property came to his share by an oral partition between he and his brother. He submitted that his father expired in the year 1993 and his brother got appointment in S.T. Corporation as a compensate appointment. He further submitted that his brother is residing at Nadiad with his mother and it is only he, who is residing in the property in question and is doing petty labour work. He does not have another shelter and if the interim relief, as prayed for, is not granted, his family will be without shelter.

3.0 Rule returnable on 5th May 2010. In the meantime, Ad-interim relief in terms of Para 11(B). Direct service is permitted.

[ Ravi R. Tripathi, J. ] hiren Top