

Gujarat High Court

Kumudchandra vs Bai on 1 August, 2008

Author: Mohit S. D.H.Waghela,&Nbsp

Gujarat High Court Case Information System

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LPA/77120/2008 2/ 2 ORDER

IN  
THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS

PATENT APPEAL No. 771 of 2008

In

SPECIAL CIVIL

APPLICATION No. 9700 of 2008

With

CIVIL APPLICATION

No. 8982 of 2008

In

LETTERS

PATENT APPEAL No. 771 of 2008

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KUMUDCHANDRA

VELCHAND SHAH - Appellant(s)

Versus

BAI

SAMARATH JAIN SWETAMBER MURTIPUJAK GYNO UDDHARAK TRUST & 6 -  
Respondent(s)

=====

Appearance :

MR

HARIN P RAVAL for Appellant(s) : 1,

None for Respondent(s) : 1 -

7.

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CORAM

:

HONOURABLE

THE ACTING CHIEF JUSTICE MR. M.S.SHAH

and

HONOURABLE

Date  
: 01/08/2008

ORAL  
ORDER

(Per : HONOURABLE THE ACTING CHIEF JUSTICE MR. M.S.SHAH) Without going into the question whether this Letters Patent Appeal is maintainable, otherwise also, the Appeal deserves to be dismissed, as the contentions sought to be raised in this Appeal were already raised earlier in Civil Revision Application No.1139 of 1986, which came to be dismissed by a learned Single Judge by judgment dated 17.10.2002.

At this stage, Mr. Harin P. Raval, learned counsel for the appellant, submits that the appellant may be given sometime to vacate the suit-premises.

Since this Appeal is filed only by original defendant no.1 and the decree of eviction was passed inter alia on the ground that the suit-premises were sub-let by the appellant's father to defendant nos. 2 and 3 (present respondent nos. 6 and 7), it would be for the concerned parties, who are in possession of the suit premises, to move the executing court with such a request.

The Letters Patent Appeal, therefore, deserves to be dismissed and is hereby dismissed.

(M.S.

SHAH, Actg. C.J.) (D.H. WAGHELA, J.) [sn devu] pps Top