

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL APPLICATION (FOR LEAVE TO APPEAL) NO. 2990 of 2018
In F/LETTERS PATENT APPEAL NO. 29066 of 2018

With

CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2023
In R/CIVIL APPLICATION NO. 2990 of 2018

With

F/LETTERS PATENT APPEAL NO. 29066 of 2018

In

R/SPECIAL CIVIL APPLICATION NO. 27585 of 2007

With

CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2023 In F/LETTERS
PATENT APPEAL NO. 29066 of 2018

In

R/SPECIAL CIVIL APPLICATION NO. 27585 of 2007

With

CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 1 of 2018 In
F/LETTERS PATENT APPEAL NO. 29066 of 2018

In

R/SPECIAL CIVIL APPLICATION NO. 27585 of 2007

With

CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2 of 2023 In
F/LETTERS PATENT APPEAL NO. 29066 of 2018

In

R/SPECIAL CIVIL APPLICATION NO. 27585 of 2007

With

CIVIL APPLICATION (FOR STAY) NO. 2 of 2018 In F/LETTERS PATENT
APPEAL NO. 29066 of 2018

In

R/SPECIAL CIVIL APPLICATION NO. 27585 of 2007

=====

ARUNBHAI CHHAGANLAL POPAT & ANR.

Versus

BHAVIN BHARATBHAI PATEL & ORS.

=====

Appearance:

MR JIGAR M PATEL(3841) for the Applicant(s) No. 1,2

GOVERNMENT PLEADER for the Respondent(s) No. 2,3,4

NOTICE NOT RECD BACK for the Respondent(s) No. 1

=====

CORAM: **HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA
AGARWAL**

and

HONOURABLE MR. JUSTICE PRANAV TRIVEDI

Date : 23/01/2025

ORAL ORDER

(PER : HONOURABLE THE CHIEF JUSTICE MRS. JUSTICE SUNITA AGARWAL)

Two affidavits filed in the present appeal, one by the
appellant No.2 dated 18.01.2025 filed in support of Civil

Application No. 1 of 2023, in turn filed in Civil Application No. 2990 of 2018 and another affidavit dated 05.08.2023 filed in support of the Civil Application for bringing heirs of the applicant No.1 on record dated 5.8.2203 have been notarised by the advocate Notary at Surat without there being a proper oath of parawise statement made in the said affidavit. Both the affidavits are hereby rejected being cryptic in nature.

We issue direction to the Principal District Judge, Surat to take note of the aforesaid fact and make an inquiry as to the manner in which the affidavit dated 18.01.2025 has been notarised by the advocate Notary named as Jagruti I. Yadav having registration No. NTR/4590/07 and explanation be called from the said Notary as to how and in what manner the affidavit was notarised by her without there being any parawise oath on the part of the deponent.

The copies of both the affidavits be transmitted alongwith this order to the Principal District Judge, Surat to make enquiry.

The Principal District Judge, Surat shall submit his report on the next date.

This order be circulated to all the Principal Judges of the courts in the State for onward circulation to the concerned Notaries of the district and the office of the District Collector.

On the request made by the learned counsel for the appellants/applicants, liberty is granted to file a fresh affidavit.

Stand over to 11.02.2025.

(SUNITA AGARWAL, CJ)

(PRANAV TRIVEDI,J)

C.M. JOSHI