IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 11532 of 2026

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UMANATH SITARAM THAKUR & ANR.

Versus

MANOJBHAI VIRENDRAPRAAPSINGH RAJPUT & ORS.

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Appearance:

MR ABHIRAJ R TRIVEDI(5576) for the Petitioner(s) No. 1,2

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CORAM:**HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

Date : 18/08/2026

ORAL ORDER

1. Heard Mr.Abhiraj Trivedi, learned advocate for the petitioners.

2. The present petition is filed under Article 227 of the Constitution of India, seeking the following reliefs:

> *"A. Your Lordships may be pleased to admit and allow this petition;*
>
> *B. Your Lordships may be pleased to issue a writ of mandamus or certiorari or any other appropriate writ, order or direction by giving direction to the Ld. Fourth Additional Civil Judge, Surat to expedite the hearing of Regular Civil Suit No.114 of 2023 at Annexure-A to this petition preferably within a period of 3 months or within stipulated time period or as may be deemed fit by this Hon'ble Court, in the interest of justice;*
>
> *C. Pending admission, hearing and final disposal of this petition, Your Lordships may be pleased to direct the Ld. Fourth Additional Civil Judge, Surat to expedite the hearing of Regular Civil Suit No.114 of 2023 at Annexure-A to this petition preferably within a period of 3 months or within stipulated time period or as may be deemed fit by this Hon'ble Court, in the interest of justice;*

> *D. Pending admission, hearing and final disposal of this petition, Your Lordships may be pleased to pass an order of status-quo with respect to the plots in question as mentioned in the Regular Civil Suit No.114 of 2023, pending before the Ld. Fourth Additional Civil Judge, Surat;"*

3. At the outset, Mr.Trivedi, learned advocate would candidly submit that no formal application was filed before the trial court for expediting the hearing of the injunction application and/or suit but an oral request was always made.

3.1 Mr.Trivedi, learned advocate would submit that due to encroachment made by the respondent in the site of the school which is in possession of and run by the petitioners, the need arises for the early adjudication of the injunction application and/or the suit may also be decided within the stipulated time and for such reason, the present petition is filed.

4. Having heard Mr.Trivedi, learned advocate for the petitioners and considering the fact that the suit in question appears to have been filed in the year 2023 and till date, the injunction application appears to have been pending before the trial court as submitted by Mr. Trivedi, learned advocate for the petitioner. Ordinarily, the Civil Court is required to hear and decide the injunction application as expeditiously as possible otherwise the purpose of filing the injunction application would get frustrated.

5. Without further observing on the merits, it is directed to the trial court to hear and decide the injunction application so

filed by the petitioner in Regular Civil Suit No. 114 of 2023 as early as possible, preferably within three months from the date of receipt of the copy of this order, after giving an opportunity of hearing to the parties.

6. So far as expediting the trial of the suit is concerned, it is open for the parties to request the trial court in this regard. As and when such request is made, the trial Court may consider such application, in accordance with law.

7. In view of the aforesaid observation and direction, the present petition is disposed of. Direct service is permitted.

(MAULIK J. SHELAT, J)

GAURAV J THAKER

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: GAURAVKUMAR JANARDANBHAI THAKER(HC00951), Principal Pvt. Secretary, at High Court of Gujarat on 18/08/2026 16:14:26