IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/SPECIAL CIVIL APPLICATION NO. 15585 of 2020

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JAYPRAKASH BABUBHAI VITTHALANI

Versus

TILUMAL BHERUMAL SAYMANI

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Appearance:
BIREN J PANCHAL(9300) for the Petitioner(s) No. 1,2
MR ANKIT K MEHTA(10393) for the Petitioner(s) No. 1,2
for the Respondent(s) No. 1,10,2,3,4,5,6,7,8,9

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CORAM: **HONOURABLE MR. JUSTICE A.C. RAO**

Date : 16/12/2020
ORAL ORDER

Heard Mr. Panchal, learned advocate for the petitioners.

2. At the outset, learned advocate for the petitioners has drawn attention of this Court to the fact that while deciding the interim application, the learned trial Court has not assigned any reasons for its decision.

3. It is needless to say that the Civil Court, while granting or rejecting the application, shall assign the reasons for its decision/order. In absence of the reasons for decision, the Appellate Court cannot understand as to why the said decision has been taken. There are numerous judgments of the Apex Court on this point.

4. In view of above, the impugned order cannot be

sustained in the eye of law and it is required to be quashed and set aside and is accordingly, quashed and set aside.

4.1 The Court concerned is directed to hear and decide the interim application afresh, after affording proper opportunities to the parties, as early as possible and preferably within six months from the date of receipt of this order.

With above observations and direction, present petition stands disposed of.

(A. C. RAO, J)

MAYA S. CHAUHAN