IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/APPEAL FROM ORDER NO. 140 of 2020
With
CIVIL APPLICATION (FOR STAY) NO. 1 of 2020
In R/APPEAL FROM ORDER NO. 140 of 2020

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MANIBEN NATHUBHAI PATEL
Versus
ASHWINBHAI RAMUBHAI PATEL

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Appearance:
HIREN R PANDYA(8760) for the Appellant(s) No. 1
MR MJ MEHTA(5797) for the Respondent(s) No. 1
MR NIRAD D BUCH(4000) for the Respondent(s) No. 1
MR SAURABH J MEHTA(2170) for the Respondent(s) No. 1
MRS. BHAVINI N. BUCH(5403) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE SANDEEP N. BHATT**

Date : 08/04/2024

ORAL ORDER

1. Learned advocate Mr. Hiren Pandya for the appellant has submitted that now interim order is passed against Exh.5 order and matter is pending since 2020. The suit is of the year 2016. Now the evidence has already commenced, he has further submitted that as per instructions, sole appellant has also expired during the pendency of the matter.

2. Considering all these aspects, the present appeal from order is not required to be considered as no fruitful purpose would be served at such a belated stage as the trial has already commenced.

3. Accordingly, the present appeal from order stands **disposed** of. This Court has not expressed any opinion on the merits of the matter. Notice is discharged.

4. Let the parties do the needful to make necessary request before the trial Court by following due procedure of law. It is clarified that all contentions of the parties are kept open which shall be considered by the trial Court in accordance with law. If such application is filed for expediting the hearing, the trial Court shall consider the same by keeping in mind that the suit is pending since 2016 and also by considering the ratio laid down in the recent judgment of the Hon'ble Apex Court in the case of **High Court Bar Association, Allahabad vs. The State of Uttar Pradesh** rendered in Criminal Appeal No.3589 of 2023.

(SANDEEP N. BHATT,J)

SLOCK BAROT