



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.573 OF 2025**

Symphony Realtors and Ors. ... Applicants
versus
Ramjibhai Vishram Patel (deceased)
through legal heirs and Ors. ... Respondents

Mr. Vikrant Khare with Mr. Ganesh Pandit, for Applicants.
Mr. Girish Agarwal with Mr. Shubham Jangam, for Respondents.

CORAM: N.J.JAMADAR, J.

DATE : 9 DECEMBER 2025

P.C.

1. Heard the learned Counsel for the parties.
2. The challenge in this application is to an order dated 23 September 2025 passed by the learned Civil Judge, whereby an application preferred by the legal representatives of the deceased Plaintiff to set aside the abatement came to be allowed.
3. Learned Counsel for the Applicants submitted that the purported adoption deed was never produced before the Court and the adoption of Mr. Jitendra Patel was ex-facie invalid as at the time of adoption, Mr. Jitendra Patel was already married and 39 years of age.
4. Learned Trial Judge was of the view that at the time of consideration of the application for setting aside the abatement, the issue of legality and validity of the adoption need not be gone into.

5. The view taken by the learned trial Judge is justifiable.
6. Since the Defendants have been granted liberty to file additional written statement, in the event, the Defendants raise contentions regarding the legality and validity of adoption in their written statement, the Trial Court is requested to frame appropriate issues and decide all contentions at the stage of final adjudication of the suit.
7. Learned Trial Judge is also requested to hear and decide the suit finally as expeditiously as possible and, preferably, within a period of one year from the date of framing of additional issues, if warranted.
8. Subject to the aforesaid clarification, the Civil Revision Application stands disposed.

(N.J.JAMADAR, J.)