**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**

**R/SPECIAL CIVIL APPLICATION NO. 2880 of 2026**

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SHASHIKANT HARIBHAI SOLANKI

Versus

KIRANBEN W/O. SHASHIKANT SOLANKI AND D/O.JADAVBHAI PARMAR

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Appearance:
MR MONARCH K PANDYA(11437) for the Petitioner(s) No. 1
MR DAKSH SOLANKI for DENISH V MAVADHIYA(9207) for the Respondent(s) No. 1

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CORAM:**HONOURABLE MR. JUSTICE J. C. DOSHI**

**Date : 19/06/2026**

**ORDER**

1. Heard learned advocates for the parties.

2. Present petition is directed against framing of the issues by the learned Family Court, Gir Somnath @ Veraval under Exh.13 & 15 in Family Suit No.134 of 2025, more particularly, issue No.1 below Exh.13 and issue No.2 in amended issues below Exh.15, which reads as under:-

> *"1. Whether the plaintiff proves that the fifteen photographs filed by the plaintiff vide Exh.3/1 are genuine and not edited or morphed?*

3. According to learned advocate Mr. Pandya for the petitioner, the learned Family Court has committed error in putting negative and positive burden simultaneously upon the petitioner. He would further submit that if the documents produced at Exh.3/1 are proved to be genuine *ipso facto*, then automatically, they are proved to be not edited or morphed *ipso facto*. Hence, He would further submit that the learned Family Court has committed serious error in putting both the

words genuine and not edited or morphed in the issue and thus, according to learned advocate Mr. Pandya, the issue is not properly formulated.

4. On the other hand, learned advocate Mr. Daksh Solanki appearing for learned advocate Mr.Denish Mavadhiya for the respondent fairly conceded that the issue cannot be framed by putting oxymoron words. Therefore, it is prayed to pass necessary orders.

5. Considered rival submissions and considered the fact that the Court has to frame the issue to put a positive burden upon a person, who claim or assess the right. In the present case, the learned Family Court put oxymoron words in framing issue No.1. One one hand, the learned Family Court cast burden upon the plaintiff to prove the genuinity of the documents produced at Exh.3/1 and at the same time, also caste burden upon the plaintiff to prove that the said documents are not edited or morphed.

6. In view of above, without going into merits of the case any further, I replace and reframe the issue No.1 below Exh.13 and amended issue No.2 below Exh.15 as under:-

> *"Whether the plaintiff proves that the fifteen photographs filed by the plaintiff vide Exh.3/1 are genuine?*

7. The petitioner is allowed to the aforesaid extent.

**(J. C. DOSHI,J)**

SHEKHAR P. BARVE

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: SHEKHAR PRAFULBHAI BARVE(HC00200), Principal Pvt. Secretary, at High Court of Gujarat on 19/06/2026 14:39:19