

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL No. 5015 OF 2022  
[@ SPECIAL LEAVE PETITION (C) NO. 10484 OF 2022]

MAYURIBEN CHIMKABHAI PATEL Appellant (s)

VERSUS

SAMJIBHAI MAVJIBHAI PATEL & ORS. Respondent(s)

WITH

CIVIL APPEAL NO. 5016 OF 2022  
[@ SPECIAL LEAVE PETITION (C) NO. 13411 OF 2022]  
[DIARY NO. 15990 OF 2022]

O R D E R

Leave granted.

The challenge in the present appeals is to an order passed by the High Court of Gujarat at Ahmedabad on 29.03.2022, in an appeal filed by Defendant No. 7 for a direction to the trial court to decide the application Exhibit 65, wherein the plaintiff and the appellant said to have actually agreed for the withdrawal of the suit qua Defendant No. 7.

We have heard learned counsel for the parties and find that it is open to the plaintiff to give up part of his claim against one or more of the defendants. Therefore, the order passed by the High Court is set aside. The matter is remitted back to the trial court to decide the suit qua the land owned by Defendant No. 7, bearing Survey No. 582. The

trial court is directed to decide the request of the plaintiff, who wishes to give up his claim against Defendant No. 7, in accordance with law expeditiously and preferably within a period of one month.

In view of the said fact, stay of further proceedings in respect of land owned by Defendant No. 7 shall stand vacated.

The trial court shall decide Exhibit 65 on merits.

In view of above, the civil appeals are disposed of.

.....J.  
[ HEMANT GUPTA ]

.....J.  
[ VIKRAM NATH ]

New Delhi;  
AUGUST 01, 2022.

ITEM NO.42

COURT NO.8

SECTION III

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (C) No(s). 10484/2022

(Arising out of impugned final judgment and order dated 29-03-2022 in CA No. 1/2021 in R/Civil Revision Application No. 12 of 2017 passed by the High Court Of Gujarat At Ahmedabad)

MAYURIBEN CHIMKABHAI PATEL

Petitioner(s)

VERSUS

SAMJIBHAI MAVJIBHAI PATEL &amp; ORS.

Respondent(s)

(IA No. 83769/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 83768/2022 - EXEMPTION FROM FILING O.T.

IA No. 83770/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

Diary No(s). 15990/2022 (III)

FOR PERMISSION TO FILE PETITION (SLP/TP/WP/..) ON IA 91189/2022

FOR EXEMPTION FROM FILING O.T. ON IA 91190/2022

FOR PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES ON IA 91193/2022

IA No. 91190/2022 - EXEMPTION FROM FILING O.T.

IA No. 91193/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 91189/2022 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 01-08-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA  
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Himanshu Chaubey, AOR

Mr. Rohit Anil Rathi, AOR

For Respondent(s) Mr. Vatsalya Vigya, Adv.

Mr. Purvish Jitendra Malkan, AOR

Mr. Alok Kumar, Adv.

Ms. Dharita P. Malkan, Adv.

Ms. Nandini Chhabra, Adv.

Ms. Bhavna Sarkar, Adv.

**UPON hearing the counsel the Court made the following  
O R D E R**

**Permission to file Special Leave Petition(s) in Diary No.  
15990 OF 2022 is granted.**

**Leave granted.**

**The Civil Appeals are disposed of in terms of the signed  
order.**

**Pending interlocutory application(s), if any, is/are disposed  
of.**

**(JAYANT KUMAR ARORA)  
ASST. REGISTRAR-CUM-PS**

**(RENU BALA GAMBHIR)  
COURT MASTER**

**(Signed order is placed on the file)**