

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 331 of 2026**

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SURESHBHAI MANIBHAI PATEL

Versus

MOUNT NAGRIK SAHAKARI BANK LTD. (FORMERLY KNOWN AS
AADARSH COOPERATIVE BANK LTD.) & ORS.

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Appearance:

MR. CHINMAY S. UPADHYAY(13886) for the Applicant(s) No. 1

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CORAM:HONOURABLE MR. JUSTICE MAULIK J.SHELAT

Date : 16/07/2026

ORAL ORDER

1. Heard Mr.Chinmay S. Upadhyay, learned advocate for the petitioner.
2. This Civil Revision Application is filed under Section 115 of the Code of Civil Procedure, 1908, seeking the following reliefs:

“(A) Your Lordship may be pleased to call for record and proceedings of special execution Application No.04 of 2024 from the Hon'ble Principle Senior civil Judge, Petlad and after perusing the illegality and propriety of the order dated 07.05.2026 passed below Annexure-A to the present application and further be pleased to quash and set aside the impugned order dated 07.05.2026 passed below at Annexure-A to the present application in special execution Application No.04. of 2026 from the Hon'ble principle Senior civil Judge, Petlad at ANNEXURE-A.

(B) Pending the admission hearing and final disposal of the application, Your Lordship may be pleased to stay the impugned order of eviction of from the suit property dated 07.05.2026 passed below at Annexure-A special execution Application No.04 of 2026 from

the Hon'ble principle Senior civil Judge, Petlad at ANNEXURE-A."

3. At the outset, Mr.Upadhyay, learned advocate, would submit that despite objections filed by the petitioner against the calculation of the Chartered Accountant submitted by the respondent- applicant of the execution petition, the executing Court vide its order dated 07/05/2026 impugned in this petition does not consider such objections and directed the petitioner along with other judgment-debtors to pay the amount as per the impugned order.

4. After arguing for some time, under the instruction of his client, Mr.Upadhyay, learned advocate, would request this Court that the petitioner may be permitted to approach the executing Court by an appropriate application drawing attention of the executing Court that the objections raised by the petitioner against the calculation of the Chartered Accountant submitted by the applicant of the execution petition are not taken into account and the impugned order dated 07/05/2026 was passed by the executing court.

4.1 It is also requested that since the next date of the proceeding of the execution is fixed on 04/08/2026, the aforesaid application may be decided at the earliest by the executing Court.

5. Having heard the learned advocate for the petitioner and considering the request made on behalf of the petitioner, it appears reasonable and requires acceptance.

6. It is open for the petitioner to file an appropriate application before the executing Court drawing the attention of the executing Court about the non-consideration of his objections filed against the calculation of the Chartered Accountant submitted by the applicant of the execution petition. As and when such application will be received by the executing Court, after giving a reasonable opportunity to the respective parties, such application shall be decided as expeditiously as possible keeping in mind the fact that the next date of hearing fixed by the executing Court is 04/08/2026.

7. It is open for the petitioner to request the executing Court to defer the proceedings which may be taken up on 04/08/2026 until the outcome of the application which may be filed by the petitioner as aforesaid.

8. In view of the aforesaid, without expressing any opinion on merits, at this stage, the present petition is disposed of, as not pressed with the aforesaid direction.

GAURAV J THAKER

(MAULIK J. SHELAT, J)