

ITEM NO.38

COURT NO.5

SECTION III-B

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). 19056-19057/2026

[Arising out of impugned final judgment and order dated 08-05-2026 in CA(FOR STAY) No. 1/2026 28-04-2026 in SCA No. 3382/2026 passed by the High Court of Gujarat at Ahmedabad]

PARTNER OF OMKAR INFRASTRUCTURE NIRAV
VRAJLAL BAROLIYA & ANR.

Petitioner(s)

VERSUS

SHANTIBHAI MOHANBHAI PATEL & ORS.

Respondent(s)

IA No. 166792/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

IA No. 166793/2026 - EXEMPTION FROM FILING O.T.

Date : 28-09-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ALOK ARADHE

For Petitioner(s) :Mr. V. Giri, Sr. Adv.
Mr. Viral K. Shah, Adv.
Ms. Anushree Prashit Kapadia, AOR
Mr. Aishwarya Mishra, Adv.
Mr. Pranay Bhardwaj, Adv.
Ms. Pragya Jaishwal, Adv.

For Respondent(s) :Mr. Nikhil Goel, Sr. Adv.
Mr. Vimal Purohit, Adv.
Mr. Rishabh Parikh, Adv.
Ms. Niyati Kohli, Adv.
Mr. Abhinav Agrawal, AOR
Mr. Jatin Kumar, Adv.
Mr. Piyush Bhardwaj, Adv.
Mr. Shivam Sengupta, Adv.
Ms. Isha Kakkar, Adv.

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

1. The present Special Leave Petitions lay challenge to following

two orders.

(i) The order dated 28.04.2026 in R/Special Civil Application No. 3382 of 2026 preferred by respondent nos. 1 and 2 whereby the learned Single Judge of the High Court in exercise of jurisdiction under Article 226/227 of the Constitution of India while issuing notice, stayed the judgment and decree dated 31.12.2025 passed in Special Civil Suit No. 75 of 2016.

(ii) Order dated 08.05.2026 dismissing the Letter Patent Appeal No. 390 of 2026 which challenges the First impugned order dated 28.04.2026

2. Pending disposal of the Special Leave Petition, we had passed the following interim order;

"1. Issue notice, returnable on 17.08.2026.

2. Mr. Abhinav Agrawal, learned AOR accepts notice on behalf of the respondent(s) on caveat and waives service of formal notice.

3. Pending disposal of the Special Leave Petitions, there shall be stay of further proceedings in the suit."

3. Heard the learned counsel for the respective parties.

4. Having considered the matter in detail, we are of the opinion that learned Single Judge can proceed with the hearing of R/Special Civil Application. However, the High Court shall first hear the preliminary objection about the maintainability of the R/Special Civil Application before passing final orders. We request the High Court to take up and dispose of the R/Special Civil Application

expeditiously. The interim order dated 29.05.2026 shall continue till the disposal of the R/Special Civil Application No. 3382 of 2026.

6. It is made clear that we have not expressed any opinion on the merits of the matter.

7. With these observations, the Special Leave Petitions stand disposed of.

8. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
ASSISTANT REGISTRAR