

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

R/FIRST APPEAL NO. 2899 of 2014

**With
R/FIRST APPEAL NO. 2703 of 2014**

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KRUPANIDHI ASSOCIATION

Versus

PANKAJ PRAMUKHLAL PATEL CHARITY TRUST & ORS.

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Appearance:

MR MP PRAJAPATI(677) for the Appellant(s) No. 1

ADVOCATE NOTICE UNSERVED for the Defendant(s) No. 1

RULE SERVED for the Defendant(s) No. 2,3,5

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CORAM: HONOURABLE MR. JUSTICE ILESH J. VORA

and

HONOURABLE MR. JUSTICE R. T. VACHHANI

Date : 11/09/2026

ORAL ORDER

(PER : HONOURABLE MR. JUSTICE ILESH J. VORA)

Order in First Appeal No.2899 of 2014

1. This first appeal is directed against the judgment dated 16.05.2014 passed in Civil Suit No.2790 of 1995, whereby City Civil Court, Ahmedabad was pleased to dismiss the suit for specific performance of the contract. The defendant no.2 is the charitable trust. The suit was dismissed mainly on ground that no prior permission of the Charity Commissioner, though required under the law, was obtained.

2. The appeal has been listed under the head of "Critically Old Matters".

3. Having regard to the facts of the case, the cause for suit does not survive.

4. Thus, by exercising powers under Order 41 Rule 17 of the CPC, the appeal stands dismissed for non-prosecution. R & P be sent back to the trial court.

Order in First Appeal No.2703 of 2014

1. This first appeal is directed against the judgment dated 16.05.2014 passed in Civil Suit No.2790 of 1995, whereby City Civil Court, Ahmedabad was pleased to dismiss the suit for specific performance of the contract. The appellants being trustees of a registered trust, were being impleaded as defendants in the suit. While dismissing the suit, the trial court directed the appellants herein to refund Rs.7 lakhs to the plaintiffs on or before 15.08.2014.

2. The appeal has been listed under the head of "Critically Old Matters".

3. Since long, neither the appellants, nor, their advocates remained present to assist the Court. The counsel Mr. Prajapati in the appeal filed by the plaintiff (First Appeal No.2899 of 2014), has withdrawn his appearance on account of no instructions to appear by his client.

4. In such circumstances, it appears that, the appellants are not interested in pursuing the appeal. Thus, therefore, by exercising powers under Order 41 Rule 17 of the CPC, the appeal stands dismissed for non-prosecution. R & P be sent back to the trial court.

(ILESH J. VORA, J)

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(R. T. VACHHANI, J)