

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD****R/SPECIAL CIVIL APPLICATION NO. 10600 of 2026****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE MAULIK J.SHELAT**

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Approved for Reporting	Yes	No

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KRISHAK BHARTI COOPERATIVE LIMITED (KRIBHCO)
Versus
GAYATRI EDUCATION TRUST

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Appearance:

MR MANISH BHATT, SR. ADVOCATE with MR NISARG DAVE AND MR
MUNJAAL M BHATT(8283) for the Petitioner(s) No. 1
MR BHARAT K DAVE(246) for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE MAULIK J.SHELAT**Date : 18/08/2026****JUDGMENT**

1. Heard learned senior counsel Mr. Manish Bhatt assisted by learned advocates Mr. Nisarg Dave and Mr. Munjaal Bhatt, learned advocate appearing for the petitioner and learned advocate Mr. Bharat K. Dave appearing for the respondent no.1.

2. This petition is filed under Article 227 of the Constitution of India seeking following reliefs:



“A. Admit and allow the present Petition;

B. In exercise of its supervisory jurisdiction under Article 227 of the Constitution of India, quash and set aside the impugned Judgment dated 20.07.2026 passed by the Learned 4th Additional District and Sessions Judge, Surat, in Miscellaneous Civil Appeal No. 19 of 2026 (Annexure-A), and the impugned Order dated 20.06.2026 passed below Exhibit-5 and Exhibit-10 in Regular Civil Suit No. 195 of 2026 by the Learned 4th Additional Civil Judge, Surat (Annexure-B);

C. Pending the admission, hearing and final disposal of the present Petition, stay the operation, implementation and execution of the impugned Judgment dated 20.07.2026 (Annexure-A) and the impugned Order dated 20.06.2026 (Annexure-B);

D. Grant ad-interim ex-parte relief in terms of Para (C) hereinabove;

E. Pass such further orders and/or directions as this Hon'ble Court may deem just, fit and proper in the facts and circumstances of the present case, in the interest of justice.”

3. At the outset, learned senior counsel Mr. Bhatt under the instruction of his client, would request this Court to allow the petitioner to submit further affidavit on behalf of the petitioner.

4. Permission as prayed for is granted.

5. The further affidavit of the petitioner dated 17.08.2026 along with the documents attached therewith is taken on record.

6. Learned senior counsel Mr. Bhatt would inform this Court that during the pendency of this petition, the petitioner has restored back the possession in favour of respondent in



regards to the suit premises.

6.1. It is submitted that supporting documents as regards putting the respondent in possession of the suit premises are annexed with the further affidavit.

7. Per contra, learned advocate Mr. Dave appearing for respondent-plaintiff under instruction of his client would also confirm the aforesaid fact and would state that respondent is put in possession of the suit premises by the petitioner on 17.08.2026. However, there are some belongings and registers of the respondent, which are missing from the suit premises for which the respondent is desired to take appropriate legal remedy.

8. After arguing for some time, learned counsels appearing for respective parties have jointly requested to this Court that order impugned in this petition may be quashed and set aside and matter may be remanded back to the trial court to decide afresh an injunction application filed by respondent below Exhibit 5.

9. Since there is a consensus ad idem between the parties,



considering the peculiar facts and circumstances of the case and keeping in mind the conduct of the petitioner who has restored the possession of the respondent-plaintiff and suit property, as per the order passed by the trial court below Exhibit-10, I am inclined to accept the request made by the respective learned advocates. Accordingly, I pass following order:

9.1 The impugned order dated 20.07.2026 passed by 4th Additional District Judge, Surat, in Miscellaneous Civil Appeal No.19 of 2026 as well as the order dated 20.06.2026 passed by 4th Additional Civil Judge, Surat, below Exhibit-5, in Regular Civil Suit No.195 of 2026, is hereby quashed and set aside and the matter is remanded back to the trial court to decide afresh an injunction application filed by respondent-plaintiff in accordance with law.

9.2 It is needless to say that while deciding the injunction application filed below Exhibit 5, the trial court shall have to independently examine the lis between the parties without being influenced by any of its observation or an observation made by appellate Court vide its order dated 20.07.2026 which is no longer survived.



9.3 While deciding the lis between the parties, reasonable opportunity shall be given to the parties at the time of deciding injunction application. The rights and contentions of both the side are hereby kept open. The parties are also permitted to file additional documents and/or amend the pleading if so advised.

10. It is made clear that this Court has not disturbed the order passed by trial court below Exhibit-10, which appears to have been confirmed in the appeal, and complied with by the petitioner, as aforesaid.

11. Nonetheless, it is made clear that, in a case where the petitioner may institute an independent suit for eviction, such order passed by trial court below Exhibit-10, which was confirmed by the appellate Court and as such not disturbed by this Court will not come in the way of the petitioner.

12. In view of the aforesaid observation and direction, the present petition is disposed of.

DEEPAK GEHLOT

(MAULIK J.SHELAT,J)