



2026 INSC 898

NON-REPORTABLE

**IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION**

CIVIL APPEAL NO(S). 10586-10588 OF 2026

**PARBATSINH DOLATSANG DODIYA
AND OTHERS**

... APPELLANT(S)

VERSUS

**RAMESHBHAI HARJIBHAI MAKWANA
AND OTHERS**

... RESPONDENT(S)

WITH

CIVIL APPEAL NO(S). 10667-10668 OF 2026

J U D G M E N T

S.V.N. BHATTI J.

1. The Appellants are common in both the Civil Appeals. Civil Appeal Nos. 10586-10588 of 2026 arise from the Order dated 28.06.2022 in Appeal (L) No. 12396 of 2022 along with Interim Application (L) No. 12403 of 2022 and I.A. (L) No. 10443 of 2022 in the High Court of Judicature at Bombay. The accompanying Civil Appeal arises from the Judgment dated 24.12.2024 in Letters Patent Appeal No. 1749 of 2024 read with Common Order dated 16.10.2024 in Special Civil Application Nos. 9081 of 2024 and 10167 of 2024

Signature Not Verified

Digitally signed by SNEHA DAS
Date: 2026.08.20 17:52:57 IST
Reason: the High Court of Gujarat at Ahmedabad.

2. The Civil Appeals, though arising from two different High Courts, have the same subject matter, namely, land bearing Block Nos. 850P (old Survey Nos. 743, 744, and 745), 853 (old Survey No. 747), and 859P (old Survey No. 733) in Sanathal village, Sanand Taluka, Ahmedabad District, agricultural land measuring approximately 18 acres 10 gunthas.

3. For convenience and narrative purposes, the chronology of a few events is referenced.

4. On 30.10.2013 and 15.04.2015, the legal heirs of Hirabai Desai entered into a Memorandum of Understanding (MoU) and a supplementary MoU concerning the subject matter of the Appeals, agreeing to transfer the same in favour of Respondent Nos. 2 and 3 in the present Appeals. Respondent Nos. 2 and 3 filed Suit No. 955 of 2015 for Specific Performance of the MoU and supplementary MoU referred to above.

5. On 06.05.2016, the Consent Decree for Specific Performance was passed by the High Court of Judicature at Bombay. On 06.05.2016, Court Receiver was appointed by the High Court of Judicature of Bombay and on 24.01.2018, Police assistance was given. Respondent Nos. 2 and 3 filed E.A. (L) No. 5258 of 2021 to enforce the Decree dated 06.05.2016 passed in Suit No. 955 of 2015. In I.A. (L) No. 20980 of 2021 in E.A.(L) No. 5258 of 2021, a prayer was made for the delivery of vacant possession of the subject matter of the Appeal to Respondent Nos 2 and 3. On 11.03.2022, I.A. No. (L) 20980 of 2021 was allowed, resulting in a direction to deliver vacant possession of the property. The Appellants filed I.A.(L) No. 10443 of 2022 in I.A.(L) No. 20980 of 2021 in E.A.(L) No. 5258 of 2021 for recalling the Order dated 11.03.2022.

6. The reference to the above chronology is made for the limited purpose of disposing of the Civil Appeals. The contesting parties have a few serious facts in issue regarding the MoUs dated 30.10.2013 and 15.04.2015.

7. The learned Single Judge, vide Order dated 04.04.2022, refused to grant any interim protection, and I.A. (L) No. 10443 of 2022 was taken up for enquiry. The Appellants challenged the Order dated 04.04.2022 in Appeal (L) No. 12396 of 2022 before the Division Bench of the High Court of Bombay. Through the Impugned Order, the Division Bench dismissed the Appeal (L) No. 12396 of 2022 and also I.A.(L) No. 10443 of 2022, pending before the learned Single Judge in I.A. No. 20980 of 2021 in E.A. No. 5258 of 2021. The relevant portion of the Order is summarised and noted as under:

A. The Appellants' application was based on the erroneous and mischievous assumption that the 11.03.2022 Order appointed a Court Receiver for the lands in execution.

B. The Court Receiver for these lands was appointed pursuant to an earlier Decree dated 15.02.1956 in Suit No. 1269 of 1951. The subsequent Decree in Suit No. 955 of 2015 did not appoint a Receiver for these three specific lands. It merely continued the existing Receiver for the properties subject to the 2015 Suit.

C. Since the Application before the Single Judge was based on an incorrect assumption, the Appellants, if they claim to be agricultural tenants, must seek remedies elsewhere. All alternative remedies and contentions for both sides were preserved for appropriate proceedings in a competent Forum.

D. Consequently, these facts are sufficient to dispose of the Appeal along with the associated Interim Applications. To prevent the Appellants from re-

arguing the same issues before the Single Judge, the Court withdraws and disposes of Interim Application (L) No. 10443 of 2022 itself.

8. Hence the Civil Appeals.

9. In Civil Appeal Nos. 10667-10668 of 2026, the Appellants claim that on 03.06.2024, in terms of Section 32G of Gujarat Tenancy and Agricultural Lands Act, 1948 (for short, 'the Act'), the Appellants are said to have been declared as "protected tenants". Respondent Nos. 2 and 3 filed Special Civil Application No. 9081 of 2024 and Special Civil Application No. 10167 of 2024 before the High Court of Gujarat at Ahmedabad. On 16.10.2024, the learned Single Judge made an interim arrangement, including permitting the Appellants to reap the standing crops, if any, on the subject matter of the Appeals. The Appellants filed L.P.A. Nos. 1722 and 1749 of 2024 before the Division Bench of the High Court of Gujarat. On 24.12.2024, the Letters Patent Appeals filed by the Appellants stood dismissed. Hence, the above Civil Appeal by the Appellants.

10. We have heard Mr. P.B. Suresh and Mr. V. Giri, learned Senior Counsel for the parties.

11. The learned Senior Counsel have made a few contentions on the merits of the respective claims. We are not adverting to the merits canvassed by both the sides inasmuch as I.A.(L) No. 10443 of 2022 and Special Civil Applications will remain a consideration before the respective High Courts.

12. Arguing for the Appellants, it is canvassed that the scope of Appeal (L) No. 12396 of 2022 and the main prayer in I.A.(L) No. 10443 of 2022 of the Appellants, as the objectors for the ongoing execution in E.A.(L) No. 5258 of 2021, could not have been taken up. The Appellants, as guarantors, will

participate in the inquiry and canvass all the objections available in Law for working out the prayer in I.A.(L) No. 10443 of 2022. Adverting to the Appeal from the High Court of Gujarat, it is contended that the possession of the Appellants is protected by the Order dated 03.06.2024. Having granted the relief of *status quo*, permitting the Appellants to harvest the crop existing then, is illegal. The Respondents contended that the objection against the Order dated 12.04.2022 is substantially academic, having regard to the filing of Civil Suit No. 724 of 2025 by the Appellants. There is a separation between the circumstances and the Civil Appeal Nos. 10586-10588 of 2026 arising from S.L.P. Diary No. 1054 of 2024 are liable to be dismissed.

13. The possession claimed by the Appellants is contrary to the delivery proceedings initiated by the Court Receiver in E.A.(L) No. 5258 of 2021. The Orders are correct and tenable, and the Appellants cannot be allowed to enjoy the subject matter of the Appeal.

14. The final conclusion of the Judgment could be very brief, but the above narrative is necessitated to appreciate the crux of the matter.

15. After carefully examining the pleadings and the nature of the Orders dated 04.04.2022 and 28.06.2022 of the High Court of Bombay, we are of the view that the impugned Order dated 28.06.2022 has traversed beyond the scope of the subject matter of the Appeal (L) No. 12396 of 2022. Therefore, to the said limited extent, we set aside the findings in Paragraphs 8 to 11 of the Order dated 28.06.2022 and restore I.A. No. (L) 10443 of 2022 to the file, and the Application is heard and disposed of in accordance with Law.

16. Adverting to Civil Appeal Nos. 10667-10668 of 2026 of 2026, we are of the view that the learned Single Judge as well as the Division Bench, in the

circumstances, felt it appropriate to direct maintenance of *status quo*. There is a scramble for possession, and divergent views were canvassed by both the sides. We have also heard the learned Senior Counsel on the option of appointing an Advocate Receiver for administering the subject matter of the Appeal during the pendency of Special Civil Application Nos. 1981 and 10167 of 2024 by the High Court of Gujarat. Therefore, to the said limited extent, the Impugned Orders dated 16.10.2024 of the learned Single Judge and the Division Bench of the High Court of Gujarat in L.P.A. Nos. 1722 and 1749 of 2024 are modified. Consequently, we request the learned Single Judge to appoint and also stipulate the fee payable to the Advocate Receiver for the purpose of administration and supervision of the subject matter of the Civil Appeals. The appointment of Advocate Receiver is subject to the final outcome of the Special Civil Application Nos. 9081 and 10167 of 2024 and would inure to the benefit of the successful parties.

17. Civil Appeals are disposed of as indicated above.

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

.....J.
[S.V.N. BHATTI]

.....J.
[N.V. ANJARIA]

**New Delhi;
August 20, 2026.**