

Regular Civil Suit No.112 of 2006
Order below Exh.96

1. Read this application (exh.96) as well as the papers on record. Heard l.a. Of the parties.

2. This application has been given on behalf of the legal heirs of the deceased defendant No.3 praying for joining them as legal heirs on record.

3. It is contended that the defendant no.3 expired on 7-6-15 and his legal heirs are required to be joined as party to the suit hence given this application. That the said application is given within the limitation period of 90 days.

4. Looking to the application and papers on record as well as the averments made on behalf of the applicants, the death certificate of the defendant no.3 is produced at mark 97/1 and an intimation was also given by passing pursis vide exh.97. The notice to the proposed parties were also issued and served upon vide exh.100. But none appeared or raised any objection on behalf

of the parties. It is prayed that proposed parties are the legal heirs of the deceased defendant no.3 and required to be brought on record. Hence for proper adjudicating the dispute and the rights of the parties the legal heirs of deceased defendant no.3 are required to be joined.

Therefore, following order is passed in the interest of justice.

O R D E R

This application (exh.96) for joining the legal heirs of original deceased defendant no.3 on record is allowed under O.XXII Rule 3 of the Code of Civil Procedure, 1908. The plaintiffs are permitted to amend the plaint accordingly as per rules.

Looking to the facts and circumstances no order as to costs.

Pronounced in open Court today on 30th day of November,2015.

Place: Palanpur

{ M.M. Shaikh }

Date : 30-11-2015

[UIC No.GJ 00607]

2nd Additional Senior Civil Judge
Palanpur