

Regular Civil Suit No. 112 of 2006**ORDER BELOW EXHIBIT. 133.**

(1) The legal heirs of plaintiff No.2 has filed this application under Order-22, Rule-2,3 & Rule-9 (2) of C.P.C. requesting that as the plaintiff No.2, viz. Shamalbhai Shankarbhai Patel died on 30.3.2021, permission may be given to bring them as legal heirs of plaintiff No.2 and they may joint as party to the suit. Further, they have also requested for setting aside abatement order passed against plaintiff No.2.

Heard L.A. for the plaintiff.

(2) Looking to the provisions of Limitation Act and provisions of Order-22, Rule- 2, 3 of C.P.C. the legal heirs of deceased plaintiff No.2 must be brought on record within 90 days from the date of death of plaintiff No.2. Here, the legal heirs were not brought on record within prescribed time limit.

Here, in this case, the plaintiff No. 2 died on 30.3.2021 and his heirs have filed this application on 28.10.2021. Further, L.A. for the legal heirs of plaintiff No.2 fail to show just & proper reason for such a long delay, i.e. delay of about 6 month & 28 days.

In these circumstances, this Court pass following order.

:- ORDER :-

It is hereby ordered that this application is rejected.

Order pronounced in open Court today, i.e. on 31st March, 2022.

PALANPUR.

Date: 31/03/2022

**(Kum.P.V Pandya)
Principal Senior Civil Judge
Palanpur.**

(Code No.GJ00358)