

Order Below Exhibit-59

1. Read the application as well as, heard both the Ld. Advocate for the parties. The present application has been moved by the plaintiff Advocate for seeking the condone delay for joining the legal heirs of plaintiff no. 1 & 2.
2. Ld. Advocate stated in the application that plaintiff no.1 Chauhan Lalji Shivaji passed on 28- 11-2016. And plaintiff no.2 Chauhan Kesaji Shivaji passed on 17-10-2015. However due to the lack of knowledge there heirs has not been joined in this present suit. Therefore, delay for the month of 57 for the plaintiff no.1 and delay for the month of 58 for plaintiff no.2 go on. Therefore, in the interest of justice condone the delay mention in the present application.
3. Against that Ld. Advocate Mr. M. P. Vaghela stated in oral arguments that, whatever the reason mentioned in the present application is not reasonable for such huge delay. Therefore, present application is not tenable. Therefore, rejected.
4. After hearing both the sides at length as well as, perusing the present application. Plaintiff presented the death certificate of plaintiff no.1 i.e Chauhan Lalji Shivaji passed on 28-11-2016 by mark 57/2. And death certificate of plaintiff no.2 Chauhan Kesaji

Shivaji passed on 17/10/2015 i.e mark 57/1. Now as per the statutory provision, legal heirs must be amended within 90 days from the date of the knowledge. However, here in this case delay of 57 & 58 months respectively has been passed away. Moreover, no genuine or reasonable cause has been mentioned in the present application. Therefore, whatever the reasons mention in the present application is not acceptable in routine manner Therefore, this Court does not satisfied with the arguments advanced by the Ld. Advocate for the plaintiff. Hence, in the interest of justice pass necessary order below.

: O R D E R :

1. The present application preferred by the plaintiff is hereby rejected.
2. No order as to cost.

Pronounced in the open Court on this 08th day of February, 2022.

Place : Kapadwanj
Date :- 08/02/2022.

(Atul Mohanbhai Vasava)
Principal Senior Civil Judge,
Kapadwanj
Judge Code No. GJ01117