



REGULAR CIVIL SUIT NO.70/2015
with REGULAR CIVIL SUIT NO.23/2010

Common order below exhibits-259,264,265 & 266.

- 1.Both these were ordered to be tried together and order of consolidation came to be passed on 14.06.2017. By that order proceedings was ordered to be carried out in R.C.S.No.70/2015. Hence, both these suits were tried together.
- 2.Be it stated that, defendant of the R.C.S.No.70/2015 namely Kanjibhai Avcharbhai Soriya met to his death. Said defendant is also plaintiff of R.C.S.No.23/2010. Thus defendant of the R.C.S.No.70/2015 and plaintiff of the R.C.S.23/2010 is the same. By way of these applications prayer is advanced to allow legal heir of said deceased party namely Kanjibhai Avacharbhai to carry on proceedings of both the suits. Endorsement is marked upon these applications to the effect of “No-Objection”.
- 3.Thus, it appears that there is no objection by any of the party to the suit if present applications are allowed. Even other-wise joining parties as mentioned in these

applications will not prejudice right of adverse parties. Hence, this Court believes that irrespective of status of party who has filed these applications, all the applications are required to be allowed. Hence, in better interest of justice following order is passed.

Order.

1. All the applications filed and styled as abatement set aside, delay condone application, allowing legal heirs of carry on proceedings of both suits are hereby allowed.
2. Necessary amendment be carried out in both suits by respective plaintiffs and amended plaint of both suit be produced by both plaintiffs, as time stipulated in O.6, R.18 of C.P.C.

Order signed & pronounced in open court today.

Date:17.12.2022

Morbi.

(Vikram Karsanbhai Solanki)

2nd Additional Senior Civil Judge.

Morbi.

Judge Code :- GJ01099