

**Order below Exhibit-23
in
Regular Civil Appeal No.24 of 2022.**

- (1) This application seeks to join the heir of respondent No.1 herein namely Dinesh Kalyanji Joshi, who has passed away during the pendency of this appeal on 13.05.2021.
- (2) Learned advocate for the appellants submits that the respondent No.1 died on 13.05.2021 pending hearing of the present appeal and it is necessary to join the heir of deceased respondent No.1 in the present appeal. It is further submitted that the right of appellants in the present appeal will be frustrated if the legal heirs of deceased respondent No.1 is not joined in the present appeal; therefore, the appellants have filed the present application to bring the legal heir of deceased respondent No.1 on record.
- (3) The name and address of proposed party i.e. heir of deceased respondent No.1 is mentioned in the present application.
- (4) Pursuant to filing of this application, notice was issued to the proposed party and he has filed appearance through his learned advocate Mr. N. D. Khatri and during arguments, it was declared by him that the respondent No.1 died 13.05.2021. Moreover, learned advocate for the proposed party has made 'no objection' endorsement on this application and submits that the proposed party may be joined as sought by the appellants.

- (5) Read the application and heard learned advocates for both the parties.
- (6) Having regard to the subject matter of appeal since the right to sue would continue to survive unto the heir of deceased respondent No.1; this application is required to be allowed, and therefore, the following order is passed:

:: O R D E R ::

- (a) The present application seeking amendment to join the heir of respondent No.1 is hereby allowed. The cause title of appeal memo be amended accordingly and the appellant side shall file an amended memo of appeal on or before next date.
- (b) Looking to the fact and circumstances of this case, there shall be no order as to costs at this stage.

Pronounced in the open Court today on this 17th day of
March, 2026.

Date:- 17.03.2026
Place:- Porbandar

(**M. A. BHATTI**)
Principal District Judge,
P O R B A N D A R
Code No. **GJ01506**