

ORDER BELOW EXHIBIT- 1

IN REGULAR CIVIL APPEAL NO. 36 OF 2023

1. The Appellants have filed the present Appeal against the judgment dated 31.12.2022, passed by 21st Addl. Senior Civil Judge, Surat.

2. During pendency of Appeal, Respondent nos.1 and 2 have expired. An application seeking time to implead legal heirs of Respondent nos. 1 and 2, was filed by the Ld. Advocate for the Appellants on 16.02.2024. Even if, the date of application is taken to be date of knowledge of the Appellants regarding the death of the Respondent nos. 1 and 2, even then, more than 90 days have passed. It is settled law that in case of death of a party, an application to implead legal heirs is to be filed within a period of 90 days, failing which the proceedings automatically abate against the deceased party. In the present case, more than 90 days have already passed and hence, the Appeal against Respondent nos. 1 and 2 stands **ABATED**.

Date: 14/06/2024
Surat.

(**ASHISH J.S. MALHOTRA**)
4th Additional Sessions Judge,
District & Sessions Court, Surat.
(Unique ID Code No.GJ01504)

PPS/HIMANSHU