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## REGULAR CIVIL SUIT NO. 96 OF 2018

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Order below application Exh. 23 :-

By way of filing the present application, the applicants have prayed to join them as party to the present suit.

It transpires from the record, that one of the applicant has made an endorsement on the present application that the present application has been withdrawn with liberty to file fresh such application. It seems that after making such endorsement, no order has been passed, however, the applicants have already filed such application for joining them as heirs and legal representatives of deceased plaintiff – Rabiya Bashir Malek on the present suit by filing an application vide Exh.31 and since there was delay of about 1 year 8 months and 3 days, the applicants have also filed two separate applications vide Exh. 29 and Exh.30 for condonation of delay as well as for setting aside the abatement. Thus, after making the endorsement on the present application, the applicants have filed such application for bringing the heirs of the deceased plaintiff on the record of the present suit and hence, the present application does not survive.

Hence, in view of the endorsement made by one of the applicants, the present application does not survive and the same is disposed off accordingly with no order as to costs.

**Pronounced in the open Court on this 15<sup>th</sup> day of  
September, 2023.**

**Date: 15<sup>th</sup> September, 2023. (Rajendra Ghanshyambhai Barot)  
Principal Senior Civil Judge  
Mangrol, District : Surat  
Judge Code : GJ00572**