

Order below exhibits-69 & 69A.

Plaintiffs:- Amarsinh Jalamsinh + others

Vs.

Defendants:- The State of Gujarat & others.

Present:-

**Ld. Advocate Mr.J.G.Desai for the legal heir of deceased plaintiff
no.14/3**

None for the defendants.

1. Perused the applications and case record. Both these applications are filed by the plaintiff no.14/3's legal heirs. Exhibit-69 is an application seeking condonation of delay caused in bringing legal heirs of the deceased plaintiff no.14/3. While exhibit-69A is an application for allowing legal heirs of the plaintiffs to join him as party and allow them to carry on proceedings of the suit.
2. Considering pendency of these applications for almost three years month, these applications are decided today.
3. L.d Advocate appearing for the legal heirs of the deceased plaintiff no.14/3 has submitted that, even after demise of plaintiff no.14/3 right to sue survives for the legal heirs and thus, to decide this suit on merits present applications may be allowed.
4. In this suit delay is of 6 months. Explanation offered by the applicants are somehow very casual. However, when right to

sue is still survived for the applicants, this suit requires to be decided on more on merits. Justice oriented approach requires allowing these application. Considering reasons, furnished by the applicants, delay requires to be condone with cost.

5. Be it noted that in by catina of judgments Hon'ble Supreme Court as well as Hon'ble Gujarat High Court has held that such types of applications are to be entertained liberally and matter to be always decided on merit rather being hyper technical.
6. If present applications are allowed then it will not cause prejudice to opposite parties. Further, considering principle of natural justice present applications requires to be granted. Hence, following order is passed.

Order

1. Application filed at exhibit-69 is hereby granted with cost of Rs.2,000/- to be deposited by the applicants with TLSA, Savli within 15 days from this order.
2. upon depositing this amount, applicants shown in exhibit-69A's application is hereby allowed to carry on proceedings of the suit.
3. Plaintiff no.14/3's legal heirs to carry out amendment in plaint as per O.6 R.18 of Civil Procedure Code. Plaintiff also directed to present amended plaint as early as possible.
4. Copy of this order be placed below exhibit-69A.

Order signed & pronounced in open court today.

dt.30.08.2024

Vikram Karsanbhai Solanki

Savli.

Principal Senior Civil Judge

Savli.

Judge Code:-GJ-01099