

OS. 725/13
(OS. 758/12)

is not filed.

For hg c/o 7/1/20

G. J. J.
17/1/2

7-1-20

P1 - A.M. Peci

D1 to S - A-J-b

D6 - to - 9 - S.S.C

D9 to C - R.S.M

for. Hg

A/p Hg part. heard.
For orders c/o 18/1/20

G. J. J.
7/1

ORDER ON IA no 6 & 7

The plaintiffs have filed the present applications to B up XXII RA R/w sec 151 of CPC to bring the legal representatives of deceased def no 9.

In the affidavit ^{& memo of facts} filed along with the present applications the plaintiff no 1 & the counsel for the plaintiff has stated that during the pendency of the suit the defendant no 9

dismissed i.e on 18/6/2018. Further the
pltfs have filed application, to bring
the legal representative of deceased
defendant no 9. But due to the mistake
in the name the same is withdrawn
& now they come up with the present
application. Further if this application is
allowed no prejudice or hardship
will cause to the other side on the
other hand the plaintiff will be put
to irreparable loss. On these grounds
plaintiffs prayed to allow the present
application.

A/def orally submitted his obj^o
that the pltfs have not filed applicat
for condonation of delay & to set
aside the order of abatement. Hence
application deserves to be dismissed.

Heard the learned counsel for
pltfs & the defendants. Perused the

material placed on record.

The ptf^s filed the applications to bring the legal representatives of deceased defendant no 9. It is their contention that they have filed IA nos to bring the legal representatives of deceased defendant no 9 which is well within the time. But due to mistakes in the name of the ISI same is withdrawn & filed IA no 6 & 7. But it is pertinent to note that once the application is withdrawn then it will be considered as ~~withdrawn~~ disposed & no sanity will be there for the application. Further the ptf^s have filed second & third application i.e. IA no 6 & 7 after lapse 90 days from the date of death of deceased defendant no 9. Under such circumstance the applications have to be accompanied

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with other two applications i.e. to set aside the abatement & to condone the delay. No such applications have been filed. Under such circumstances IA no. 6 & 7 deserves to be dismissed. Hence the court proceed to pass the following:

ORDER

IA no 5 & 6 filed by the plaintiffs dismissed with cost of ₹ 50/- each. For hg on IA no 8
C/o 7/2/20

G. Patel
18/11

7-2-20

Pl. A.M.P

D. 1-5-A.J.F

D. 6-9-S.S.C

Secy to C. R.S.M

for. Hg on IA-8