

: 1 :

IN THE COURT OF SMALL CAUSES AT MUMBAI
(Bandra Branch)

ORDER BELOW EXHIBIT NO. 68
IN
R.A.E. & R. Suit No.495 OF 2004
[CNR No.:- MHSCA3-000640-2006]

Shri. Jummakhan Amirkhan (deleted since deceased)

1(a). Mr. Abdul Wadood Jummakhan & Ors. ... Plaintiff

Versus

Nivruti Maruti Shinde & Ors. ... Defendant

Mr. A. A. Patel, Ld. Advocate for the Plaintiff.

Mr. J. S. Yadav, Ld. Advocate for the Defendant.

Coram : R. M. Tuwar, Judge,
Court Room No. 40.

Date : 13.07.2026.

:: ORDER ::

This application is taken out by plaintiff to permit him to carry out the amendment as per the order passed by this court below Exh.65 on 19.11.2024. It is contention that during the pendency of suit defendant No.1 expired, therefore he has taken out application below Exh.65 to bring the legal heirs of deceased defendant No.1 on record. The said application allowed by this court on 19.11.2024, but he could not able to carry out the amendment within time. Therefore, he has filed application below Exh.67 for extension of time for compliance of order passed below Exh.65. Application Exh.67 allowed by this court on 10.12.2025 subject to cost of Rs.300/-, however, that order also not

: 2 :

complied by the plaintiff. Thereafter, on 22.06.2026 this court has passed order below Exh.1 and abated the suit against the defendant No.1.

2. Read application and heard Ld. Advocate for plaintiff. Other defendant Nos. 2 to 4 not appeared yet. Considering the reason stated in the application, I am of the opinion that one last opportunity be given to the plaintiff by imposing reasonable costs. Hence, I proceed to pass following order :-

:: O R D E R ::

1. The application Exh. 68 is allowed subject to costs of Rs.500/-.
2. Plaintiff to comply the order passed below Exh.67 as well as this order and pay total costs of Rs.800/- in court on or before next date.
3. After compliance of Exh.67 and this Exh.68, abatement against defendant No.1 will be set aside and plaintiff to carry out amendment on or before next date.

Date : 13.07.2026.

[R. M. Tuwar]
Judge, C.R. No. 40