

OS 453/22 dated 21.02.2023

The 3<sup>rd</sup> Defendant was reported dead after summons was issued by the Court. The process branch has not specified the date of death of the said Defendant. Though the Court is blindsided as to the date of the 3<sup>rd</sup> Defendant death it would have to consider the fact that the Plaintiffs have filed an application to implead the wife and children of the deceased Defendant. Evidently the said Defendant has died even prior to the institution of the suit. Therefore the memo filed to delete the Defendant No.3 is allowed and he is ordered to be struck off. The Plaintiffs shall make a note in the plaint and file amended plaint. Issue notice on the application filed by the Plaintiffs under Order 1 rule 10(2) of the Code of Civil Procedure. Call on 16.03.2023.

CJ & JMFC, Hnpura.