

Order below Exh.1 in Special Civil Suit No. 10 of 2017
(Old Regular Civil Suit No. 160 of 1992 and 484/1996):-

This Civil suit was instituted by the plaintiff, Haji Gulam Mohammad Abdulrahim Kureshi and against the heirs of (1) Haji Kalubhai Abdulrahim Kureshi and (2) Abdul Karim, Abdulrahim Kureshi and against (3) Mustufabhai Abdulrahim Kureshi on 19/10/1992. Thereafter, this litigation was transferred to the Hon'ble Principal Senior Civil Judge, Vadodara. The said suit was given Special Civil Suit No. 484 of 1996). Thereafter, this case was further transferred to this Court as per the Hon'ble District Court Order dtd.,13/07/2017. Thereafter, parties were ordered to be served with a notice of transfer of the suit to this court. From the record, it transpires that some of the defendants have also died during this period. The xerox of their death certificates have been produced with with the endorsement of the bailiff. From the record, it further transpires, that the transfer notice sent for service to the plaintiff, which is produced at Exh.77 and which was issued on 16/11/2917. From the document produced at Mark 85/1, which is copy of death certificate of plaintiff Haji Gulam Mohamamd, it is clear that the plaintiff has died on 16/07/2002. Thereafter there is nothing on record that any of the heirs of Legal Representatives of the plaintiff have tried to join as legal heirs or representative of the plaintiff. As per the provision of Code of Civil Procedure, the suit against the plaintiff stands abated

in the event of death of sole plaintiff. The period of almost than 15 years and 11 months have passed since the death of sole plaintiff in the present case and the plaintiff has not been substituted by the legal Representative or heir and thee is no prosecution from the plaintiff side. From the record, it is clear that during this period, no application is filed by the legal Representative or heirs of the plaintiff. Hence, under the circumstances, upon death of the sole plaintiff,, this suit stands disposed off as abated under the provision of Order 22, Rule 3 (2). Hence, order accordingly. No order as to costs.

	[Dilipkumar Vishnuprasad Patel]
Date : 15/06/2018.	Principal Senior Civil Judge,Dabhoi,
Place : Dabhoi	Unique Code No.GJ00925.