

**ORDER BELOW APPLICATION FOR DELETION OF NAME OF
OPPONENT NO.5 FROM RECORD**

- 1) Heard Ld Advocate for disputant. Perused application, death certificate and the records of the case.
- 2) The disputant contended that alongwith this dispute there is parallel litigation between the parties in Hon'ble Bombay High Court bearing suit No.548/2013 wherein it has been transpired in the said suit that opponent no.5 Mrs. Khatijabai Abdul Sattar Oomerbhoy is expired on 12/07/2018. The respondent nos. 3 to 7 are only legal heirs of deceased opponent no.5 who are party on record in the above proceeding. There are no heirs and legal representative left behind by the deceased opponent no.5. As such there is no need to take legal heir separately on record.
- 3) In this dispute the opponents have failed to reply to this application. Advocate for disputant urged before the court that the opponents are not responding from so many time and not informed to the disputant about progress of the case nor they are informing the death of parties. The above information is revealed in the litigation at the Hon'ble High Court which may please be accepted for deleting name of opponent no.5 from record.

4) The death certificate is annexed with application. It appears that present opponent no.5 is purported to be died on 12/07/2018. In this case, present subject matter is connected with the transfer of flat of opponent no.7. The present opponents are interested in flat. Considering this fact, application needs to be allowed and as such I pass the following order:-

ORDER

1. Application is allowed with cost.
2. Disputant is permitted to delete name of opponent no.5 from record on or before 27/0/07/2022.

Mumbai
Date : 15-06/2022

(D. S. Pisal)
Judge,
Co-operative Court No.2, Mumbai.

I affirm that the contents of PDF file order are same word for word as per original order.

Name of the Steno

Smt. A. S. Sawant
(Lower Grade Stenographer)

Court Name

Shri. D. S. Pisal, Judge,
Co-operative Court No. 2, Mumbai.

Order dictated on

15/06/2022

Order transcribed on

15/06/2022

Order checked and signed by PO

20/06/2022

Order uploaded on

21/06/2022