

**ORDER BELOW APPLICATION FOR TAKING LEGAL HEIRS
OF DECEASED OPPONENT NO.2 ON 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.4913/2002 wherein the advocate for opponent no.2 informed by his letter dtd.02/04/2018 that one Mr. Rashid Oomerbhoy expired on 19/03/2018 and disclosed the name and address of legal heirs of Late Rashid Oomerbhoy.
- 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. Such information revealed in the litigation at the Hon'ble High Court may please be accepted for taking legal heirs of opponent no.2 on record.
- 4) The death certificate is affixed with application. It appears that present opponent no.2 is purported to be died on 19/03/2018. In this case, present subject matter is connected with the transfer of flat of opponent no.7. The present

opponents are interested in flat. The right to sue survive on the surviving of legal heirs of opponent no.2. The original opponent no.2 was Ex-parte in this litigation, hence there is no need to set aside the order of abatement. Considering this fact, application needs to be allowed and as such I pass the following order:-

ORDER

1. Application is allowed with cost.
2. The disputant shall carry out amendment as provided by him in the schedule annexed to the application on or before 27/07/2022.

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