

Order Below Exh.54 in RCS No.66/2019

CNR No.MHST180000402019

This application is filed by plaintiff for condonation of delay to file an application for bringing the legal heirs of deceased defendant No.1 on record.

02. It is contended that defendant No.1 died on 24.05.2023, but in the meantime, death extract of deceased defendant No.1 is not available to produce on record. Hence, this application cannot be filed within time. Hence, by filing this application, plaintiff is praying for condoning the delay of two years and 15 days.

03. Perused the say filed by the defendants. It is contended that the application is false. Hence, they prayed for rejection of this application.

04. Heard argument on both the sides.

05. This suit is filed for a declaration, partition and perpetual injunction. Considering the nature of the suit, presence of legal heirs of deceased defendant No.1 is necessary. Plaintiff has filed on record the M.E No.1390, which goes to show that defendant No.1 died on 24.05.2023. Hence, the delay to file an application to bring the legal heirs on record is condoned on cost of Rs.700/- to be paid to the defendants.

Date :29.09.2025.
Place: Vaduj.

(Smt. F. B. Baig)
Jt. Civil Judge Senior Division,
Vaduj.

Order Below Exh.56 in RCS No.66/2019

CNR No.MHST180000402019

Read the application. Perused the say. Heard argument on both the sides. Considering the nature of the suit, the application is liable to be allowed. Hence, on payment of cost as per order on Exh.54, the order of abatement, passed against defendant No.1 is set-aside.

Date :29.09.2025.
Place: Vaduj.

(Smt. F. B. Baig)
Jt. Civil Judge Senior Division,
Vaduj.

Order Below Exh.58 in RCS No.66/2019

CNR No.MHST180000402019

Perused the application and say. Heard argument on both the sides. On payment of cost as per order on Exh.54, the permission is granted to the plaintiff to bring the legal heirs of deceased defendant No.1 on record, against whom the right to sue survives.

Date :29.09.2025.
Place: Vaduj.

(Smt. F. B. Baig)
Jt. Civil Judge Senior Division,
Vaduj.