

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 77 of 1979****With****CIVIL APPLICATION (MODIFICATION/DELETION OF CONDITION) NO. 1
of 2023****In R/FIRST APPEAL NO. 77 of 1979****With****R/FIRST APPEAL NO. 478 of 1979****With****CIVIL APPLICATION (FOR ORDERS) NO. 1 of 2023****In R/FIRST APPEAL NO. 478 of 1979**=====
**HEIRS OF MAHANT DAYARAMDAS- BAI PADMA WD/O DAYARAMDAS &
1 other(s)****Versus****CHARITY COMMISSIONER & 28 other(s)**
=====**Appearance:****MR MEHUL SHAH, SR COUNSEL for MR ARPIT A KAPADIA(3974) for the
Appellant(s) No. 1.6****(MR AT THAKORE)(908) for the Defendant(s) No. 25****GOVERNMENT PLEADER for the Defendant(s) No. 1****MR PERCY KAVINA, SR COUNSEL for MR TEJAS P SATTA(3149) for the
Defendant(s) No. 17****NOTICE SERVED for the Defendant(s) No. 10,14.2,18,6,8,9****NOTICE UNSERVED for the Defendant(s) No.****11,13.1,13.2,13.3,13.4,13.5,14.1,15,16.2,19.1,3,5,7****UNSERVED EXPIRED (N) for the Defendant(s) No. 2.1,26,27,28,29,4.1**
=====**CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI****Date : 07/07/2023****ORAL ORDER**

1. Civil Application No.1 of 2023 is preferred by the applicant for the deletion of deceased respondents. Learned Senior Counsel Mr. Percy Kavina requests for time to file reply on behalf of respondent Nos.16 to 20

of Civil Application (For Joining Party) No.2 of 2019 in Misc. Civil Application (For Restoration) No.1 of 2017 in First Appeal No.77 of 1979.

2. Learned Senior Counsel Mr. Percy Kavina submits that since they were entertained in the Misc. Civil Application (For Restoration) No.1 of 2017 in First Appeal No.77 of 1979, no separate application is required to be filed.

3. Per contra, learned Senior Counsel Mr. Mehul Shah objects on the ground that the respondent Nos.16 to 20 are not parties to the Civil Application and they were not parties to the main matter being First Appeal No.77 of 1979 also. He further submits that there is no application preferred by said respondent Nos.16 to 20 to be joined in the First Appeal.

4. The time sought for by learned Senior Counsel Mr.Percy Kavina for filing reply against the present Civil Application is granted in the interest of justice.

5. Stand over to 4.8.2023.

VATSAL

(D. M. DESAI,J)