

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 1153 of 2003****With****CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2023****In R/FIRST APPEAL NO. 1153 of 2003****With****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 2 of 2023****In R/FIRST APPEAL NO. 1153 of 2003**

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BHARATBHAI MAGJIBHAI PATEL & ORS.**Versus****CHUNILAL MERVANBHAI PATEL & ORS.**

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Appearance:**MR BS PATEL(602) for the Appellant(s) No. 1,2,3,4,5,6,7,8,9****MR CHIRAG B PATEL(3679) for the Appellant(s) No. 1,4,5,6,7,8,9****MRS RANJAN B PATEL(646) for the Appellant(s) No. 2,3****MR JV JAPTEE(358) for the Defendant(s) No. 1****RULE SERVED for the Defendant(s) No.****2.1,2.2,2.3,2.4.1,2.4.2,2.4.3,2.4.4,2.5,2.6,2.7,3,4**

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CORAM: HONOURABLE MR. JUSTICE DEVAN M. DESAI**Date : 18/07/2024****ORAL ORDER****ORDER IN CIVIL APPLICATION NO.2 OF 2023:-**

1. Heard learned advocates for the respective parties.
2. This application is filed under Section 5 of the Limitation Act, 1963 with a prayer to condone the delay of 47 days in filing of the Civil Application for bringing legal heirs.
3. Having considered the submissions and averments made in the application, the delay in preferring the Civil Application is

not intentional and there is no lethargy or negligence on the part of the applicants. Sufficient cause is made out. Delay is condoned.

4. In view of the above, this application is allowed. No order as to costs.

ORDER IN CIVIL APPLICATION NO.1 OF 2023:-

1. Draft amendment is allowed. Necessary amendment be carried out forthwith.

2. This application is filed for bringing legal heirs of the deceased appellant on record of the captioned First Appeal. The death certificate is produced on record.

3. Learned advocate for the applicants has submitted that the heirs of the deceased are required to be brought on record in the main matter. In view of the fact that the main matter being captioned First Appeal would be futile, if the heirs of the deceased are not brought on record.

4. In view of the averments made in the application and having considered the submissions made by the learned advocate for the applicants, the heirs of the deceased appellant are necessary party and hence, the present application deserves to be allowed and the same is allowed. Necessary amendment is ordered to be carried out accordingly forthwith.

5. Accordingly, the present Civil Application stands disposed of.

ORDER IN FIRST APPEAL:-

Stand over to 01.08.2024.

RINKU MALI

(D. M. DESAI,J)