

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 164 of 2013****With****CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 1 of 2014****In R/CIVIL REVISION APPLICATION NO. 164 of 2013****With****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 1 of 2015****In R/CIVIL REVISION APPLICATION NO. 164 of 2013****With****CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2017****In R/CIVIL REVISION APPLICATION NO. 164 of 2013**

=====
JAYANTIBHAI S/O AMBALAL PARSHOTTAMDAS PATEL & 2 other(s)

Versus

JAANMUHAMMAD MUMATKHAN BELIM (DECD)THROUGH LEGAL HEIRS
& 6 other(s)

=====
Appearance:

MR SATYAM Y CHHAYA(3242) for the Applicant(s) No. 1,2,3

DELETED(20) for the Opponent(s) No. 1.2

MR CHINMAY M GANDHI(3979) for the Opponent(s) No. 1.1,1.3,1.4,1.5

MR MB GANDHI(326) for the Opponent(s) No. 1.1,1.3,1.4,1.5

MR TEJAS P SATTA(3149) for the Opponent(s) No. 2.1,2.2,5

NOTICE SERVED BY DS(5) for the Opponent(s) No. 6

UNSERVED EXPIRED (N)(9) for the Opponent(s) No. 3,4,7

=====
CORAM: HONOURABLE MR.JUSTICE A.G.URAIZEE

Date : 03/12/2019

ORAL ORDER**Order in CA (FOR CONDONATION OF DELAY) NO. 1 of 2015**

1. Heard learned senior advocate Mr.Shalin Mehta assisted by learned advocate Mr.Satyam Y. Chhaya for the applicants, learned senior advocate, Mr.M.B. Gandhi assisted by learned advocate Mr.Chinmay Gandhi and learned advocate Mr.Tajas P. Satta for the respondents.

2. By filing this application, applicants are seeking condonation of delay of 4844, 1825 and 281, which has occurred in preferring the application for bringing legal heirs of the deceased as respondent Nos.3, 4 and 7 respectively.

3. Learned senior advocate Mr. Shalin Mehta for the applicants has submitted that the present application may be allowed and the applicants may be permitted to bring on record the legal heirs so the main Revision Application becomes ready for final hearing.

4. He has submitted that by condoning the delay and bringing legal heirs on record, no prejudice is likely to be caused by the respondents.

5. Learned Senior advocate Mr. Gandhi and learned advocate Mr. Satta has submitted that they have as such, no objection for condonation of delay and for bringing legal heirs on record. However, they urged that the main proceedings, which are pending before the trial court since almost two decades and the main Civil Revision Application may be heard at the earliest.

6. In view of the rival submissions and the averments made in this application, the delay, which is for bringing legal heirs of respondent Nos.3, 4 and 7 is hereby condoned. The present Civil Application stands disposed of accordingly. Rule is made absolute. No order as to costs.

Order in CA (FOR BRINGING HEIRS) NO. 1 of 2014

1. The present application is preferred for bringing legal heirs and representatives of respondent Nos.3, 4 and 7.
2. The delay, which has occurred in preferring the Civil Revision Application is condoned by a separate order.
3. Considering the averments made in the application and the submissions of the learned advocates, the present Civil Application is allowed in terms of para 11(b).
4. Necessary amendment to be carried out forthwith.

Order in CIVIL APPLICATION (FOR DIRECTION) NO. 1 of 2017

The present Civil Application along with main matter be listed for hearing on **12.12.2019**.

KUMAR ALOK

(A.G.URAIZEE, J)