

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/FIRST APPEAL NO. 2416 of 2021****With****CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2021****In R/FIRST APPEAL NO. 2416 of 2021****With****CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 2 of 2021****In R/FIRST APPEAL NO. 2416 of 2021****With****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 3 of 2021****In R/FIRST APPEAL NO. 2416 of 2021**

=====

PRAFULBHAI MADHUBHAI PATEL LIMBASIYA

Versus

LALITABEN RAMESHBHAI PRAJAPATI

=====

Appearance:

MR CG SHARMA(823) for the Appellant(s) No. 1

for the Defendant(s) No. 15,6,7

MR ASHOK N PARMAR(2431) for the Defendant(s) No. 10,11,13,14,8,9

MR HEMANG M SHAH(5399) for the Defendant(s) No. 1,2,3,4,5

MR NISARG N TRIVEDI(6144) for the Defendant(s) No.

7.1,7.2,7.3,7.4,7.5,7.6

MR VISHAL T. PATEL(6518) for the Defendant(s) No. 6.2

NOTICE SERVED BY DS for the Defendant(s) No. 15.1,6.1

UNSERVED EXPIRED (N) for the Defendant(s) No. 12

=====

CORAM: HONOURABLE MR. JUSTICE A.J.DESAI

and

HONOURABLE MR. JUSTICE ANIRUDDHA P. MAYEE**Date : 24/02/2022****ORAL ORDER****(PER : HONOURABLE MR. JUSTICE A.J.DESAI)****CIVIL APPLICATION (FOR CONDONATION OF DELAY) NO. 3 of 2021 :**

By way of this application, the applicant has prayed to condone the delay of 1311 days in filing an application for bringing the legal heirs and representatives of respondent No.12 on record.

Heard learned counsel for the parties. Considering the contents of the application, it cannot be said that the delay caused in filing the application for bringing legal heirs and representative of respondent No.12, has remained totally unexplained. Therefore,

we are of the view that the delay deserves to be condoned. Accordingly, this application is allowed. Delay is condoned.

CIVIL APPLICATION (FOR BRINGING HEIRS) NO. 2 of 2021 :

By way of this application, the applicant has prayed for bringing legal heirs and representative of respondent No.12 on record of the case.

Heard learned advocates appearing for the respective parties. Considering the facts and circumstances of the case, the present application is allowed. Legal heirs and representative of respondent No.12 is hereby permitted to be brought on record and cause title of First Appeal No.2416 of 2021 as well as Civil Application No.1 of 2021 be amended accordingly.

R/FIRST APPEAL NO. 2416 of 2021 With CIVIL APPLICATION (FOR INTERIM RELIEF) NO. 1 of 2021 :

Registry is hereby directed to list this first appeal as well as civil application for hearing on 24/03/2022.

Interim relief, granted earlier, to continue till then.

(A.J.DESAI, J)

(ANIRUDDHA P. MAYEE, J.)

DIPTI PATEL