

**IN THE COURT OF SMALL CAUSES AT MUMBAI****ORDER BELOW EXHIBIT -1****IN****R.A.D. SUIT NO. 2136 OF 2008**

Abdul Kayum M Shaikh &amp; Ors

... Plaintiffs

V/s

Haji Ismail Haji Allana &amp; Ors.

... Defendants

**Coram : R. U. Shaikh, Judge****C. R. No.16****Date : 18/08/2023****ORDER :**

This matter is kept for cross-examination of PW.1. Today, ld. Advocate for defendant No. 7 to 21 passed pursis that defendants No. 9,15, 16 and 17 have been expired. Nonetheless, details of their death have not been provided. So on inquiry with defendant No. 19, it is revealed that these defendants expired somewhere around 2015-2016. However, defendants did not inform the same to the Court. The advocate also did not inform about the death of defendants No. 9, 15, 16 and 17. Interestingly, this pursis is passed when matter is kept for cross-examination. If these sets of facts are looked into, then it appears that defendants were aware about the death of defendants but they did not inform about the same and when matter was kept for cross-examination they passed this pursis. Even otherwise, there are no details as to the death of defendants No.9,15,16 and 17. Similarly,

defendants did not file death certificate of these defendants. Unless these facts are on record, it is difficult to believe about the death of defendants No. 9,15,16 and 17. **So matter be proceeded as per law and defendants to cross-examine of PW.1.**

**Date : 18/08/2023**

**[R. U. Shaikh]  
Judge, C. R. No.16**