

IN THE COURT OF SMALL CAUSES AT MUMBAI
Order below Exhibit- 41

in
R.A.D. Suit No. 2136 of 2008

Abdul Kayam M. Shaikh & Ors.

.... Plaintiffs.

Versus

Haji Ismail Haji Allana Cutchi
Memom Charity Trust & Ors.

.... Defendants.

Coram : Shri. N.V. Vireshwar
Judge, C.R.No.22,
Date : 25.11.2016

ORAL ORDER

1. On behalf of plaintiffs present application is filed for deletion of name of defendant no. 2.
2. Application is opposed by defendant no. 21 vide reply exh -42, stating that death certificate is not placed on record. Suit itself automatically abates.
3. Main objection of defendant no. 21 is that death certificate is not filed. The Ld. Advocate for defendant no. 21 was provided with copy of death certificate during the course of arguments. Defendant no. 2 is expired on 03.09.2014 at village Bajethi (Utter Pradesh). The plaintiffs have submitted that they are not interested to proceed against legal heirs of defendant no.2. It is to be noted that name of dead person need not to be retained on record. Considering this aspect also present application deserves to be allowed. Hence the order.

ORDER

1. Application is allowed.
2. Plaintiffs are permitted to delete the name of defendant no. 2 and carry out amendment within fourteen days from this order.

Mumbai

(N.V.Vireshwar)

Date: 25.11.2016

Judge, C.R. No.22

Order dictated on : 25.11.2016
Order checked on : 25.11.2016
Order printed & signed on : 25.11.2016

(N.V.Vireshwar)
Judge, C.R. No.22