

## IN THE COURT OF SMALL CAUSES AT MUMBAI

## ORDER BELOW EXHIBIT-21

IN

R.A.E. SUIT NO.560/903 OF 2013

1. Mr. Kirit Ramdas Kapadia &amp; Ors. .... Plaintiffs

V/s.

Mr. Lalitkumar Popatlal .... Defendant

Ms. Eventa Gonsalves, Ld. Advocate for Plaintiffs

Mr. Rajesh Chheda, Ld. Advocate for the Defendant

Coram : Shri. P.R. Navale, Judge  
Court Room No.7

Date : 09.03.2022

**ORDER:**

Perused the application and reply filed on behalf of the defendant at Exhibit-23. Heard learned Advocates appearing on behalf of both the sides.

2. This suit is filed for recovery of possession on the grounds specifically mentioned in the plaint. During pendency of the suit, the plaintiff No.5 Smt. Pravina Pragji reported dead on 30<sup>th</sup> September, 2020. Copy of her death certificate is annexed with the application. It is contended that, plaintiff Nos.6 & 7 are her only heirs and legal representatives. Therefore, plaintiffs have prayed for amendment in the plaint as per schedule to describe plaintiff No.5 as deceased and plaintiff Nos.6 & 7 as heirs of deceased plaintiff No.5.

3. The application is resisted on the ground of delay by the defendant. It is seen from the record that, plaintiff No.5 is reported dead on 30<sup>th</sup> September, 2020. This application is filed before the Court on 26<sup>th</sup> October, 2021. Needless to state that, the physical functioning of the Court was restricted due to pandemic of Covid-19 since March, 2020 till July, 2021. Therefore, the delay in filing this application is required to be considered

liberally as the plaintiff No.5 reported dead during that period. Therefore, the application deserves to be allowed in the interest of justice. Hence, I proceed to pass the following order:

**ORDER**

1. The application below Exhibit-21 is allowed in the interest of justice.
2. Plaintiffs shall carryout the necessary amendment in the plaint as per schedule within 14 days.

Date : 09/03/2022

**(P.R. Navale)**  
**Judge,**  
**C. R. No.7**

Order dictated on : 09.03.2022  
Order transcribed on : 09.03.2022  
Order checked & signed : 10.03.2022