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IN THE COURT OF SMALL CAUSES AT MUMBAI

(BANDRA BRANCH)

ORDER BELOW EXHIBIT- 49

IN

R. A. E. SUIT NO. 171 OF 2008

(CNR-MHSCA-30008052008)

Shri. P. M. Patel,

...Plaintiff

Versus

Shri. Yogesh K. Manek,

...Defendant

Mr. Pramod K. Gautam,learned Advocates for applicants.

Mr. Anand G. Nayak,learned Advocate for defendant.

Coram: P. K. Kharate,
Judge, C. R. No. 35,
Date : 19th July, 2023.

ORAL ORDER:

1. The applicants have filed application stating that their father has filed present suit of eviction against the defendant. Their father died on 24.07.2022 leaving behind three sons and wife as a legal heirs. All applicants are residing at Vapi, Gujarat. But their advocate are not interested to conduct the hearing properly. Hence, there is delay for bringing the Lrs of deceased plaintiff on record. Hence, prayed to allow amendment application and condone delay.

2. The say filed by the other side Vide Exhibit- 50 stating that plaintiff is trying to prolong the hearing. The other contents of the application are not aware to the defendant. Suit is already abated. Hence, prayed to reject the application.

3. Heard both sides at length. On perusal of record, it

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appears that present application is filed on 04.02.2023. The father of the applicants died on 24.07.2022. The Lrs of the plaintiff should be brought within 90 days from the death of the deceased plaintiff. But the reasons mentioned in the application appears to be true that due to not showing interest by the advocate to conduct the hearing. The suit is for eviction. The important rights is to be decided between both parties. Hence, in the interest of justice, it is necessary to allow the application. Hence, I pass the following order.

: ORDER :

1. The application Exhibit-49 is allowed.
2. The delay is hereby condoned.
3. The amendment be carried out within prescribed period.
4. The amendment copy of plaint served to the court and for the defendant till next date.

(Dictated and pronounced in Open Court.)

Bandra -Mumbai.

Date :19.07.2023

Order dictated on :19.07.2023

Order checked & signed on :19.07.2023

**(P. K. Kharate)
Judge, C. R. No.35**