

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 991 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE P.B.MAJMUDAR

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgment?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals?

PARVATIBEN D/O MODHIA MAGANLALKODARLAL

Versus

RAJENDRAKUMAR CHANDULAL NAGRAWALA

Appearance:

MR KV SHELAT for the Petitioner.
MR AJAY R MEHTA for Respondent No. 1
RULE SERVED for Respondent No. 2,4-6
RULE UNSERVED for Respondent No. 3
UNSERVED-EXPIRED (R) for Respondent No. 7
MR CJ VIN for Respondent No. 8-10

CORAM : MR.JUSTICE P.B.MAJMUDAR

Date of decision: 29/11/2002

ORAL JUDGEMENT

This revision is filed against an interim order,

by which the heirs of original defendant No.2 is permitted to be brought on record. It is not in dispute that the original defendant No.1 is already on the record and, therefore, the suit cannot abate as a whole, as one of the defendants is already on the record. Considering the nature of the order, this court would not like to interfere with the impugned order in a revision under Section 115 of CPC. Petition is accordingly dismissed. Rule is discharged. Interim relief stands vacated.

It is clarified that, if, according to the defendants, cause of action does not survive or that the suit against the heirs would not be maintainable, they may take all these points in the suit, as these points are required to be decided in the suit itself.

29th November, 2002 (P.B. Majmudar, J.)

(apj)