



made to show that, the Trial Court could not have relied on the documents to draw an inference that the applicants were entitled to represent the estate of the deceased plaintiff. Mr. Dhakephalkar further submitted that the learned Judge has also made observations which bear upon the substantive rights of the parties and cause grave prejudice to the petitioners.

4. I have perused the impugned order. The said order was passed to decide the question as to whether the applicants in the Chamber Summons were the legal representatives of the deceased plaintiff. The trial Court had conducted enquiry as envisaged by Order XXII Rule 5 of the Code of Civil Procedure, 1908. By its very nature, the said enquiry is summary and with the object of determining as to who should be permitted to represent the estate of a deceased party.

5. The Court, thus, does not find any reason to interfere with the impugned order.

6. So far as the submission of Mr. Dhakephalkar that, the impugned order partakes the character of the determination of the substantive rights of the parties, it would be suffice to clarify that the remit of an order passed under Order XXII Rule 5 of the C.P.C is limited to the determination of the question as to who is the legal representative of the deceased party. The determination of the said question can never take the character of determination of the substantive rights of the partes. Thus, the Trial Court shall not be influenced by the observations in the impugned order while determining the substantive rights of the party at the time of final adjudication of the suit.

7. Since the suit has been instituted in the year 2012, the learned Judge, City Civil Court seized with Suit No. 2312/2012 is requested to hear and decide the suit as expeditiously as possible.

8. The parties shall co-operate with the Court in the expeditious disposal of the suit and shall not seek unnecessary adjournments.

(N.J. JAMADAR, J)