



plaintiff no.3 from the array of the plaintiffs, subject to payment of costs of Rs. 2000/- to be paid to the defendant.

4. The learned counsel for the petitioner submits that there was deliberate suppression of factum of death of plaintiff no. 3. Even if it is assumed that the plaintiffs suppressed the factum of death of plaintiff no. 3, for a long period, yet, in the facts of the case, the view taken by the learned Judge is correct. Having regard to the nature of the suit, the suit would not abate, on the death of plaintiff no. 3. Thus, there is no infirmity in the impugned order.

5. The petition stands dismissed.

(N.J. JAMADAR, J)