HIGH COURT OF MADHYA PRADESH

BENCH AT GWALIOR

SINGLE BENCH

PRESENT:

HON'BLE MR. JUSTICE G.S. AHLUWALIA

Second Appeal No. 410 OF 2000

Smt. Bhagwati Devi & Ors.

-Vs-

Babulal & Ors.

Shri D.D. Bansal, counsel for the appellants.

Shri N.K. Gupta, Senior Advocate with Shri Santosh Agrawal, counsel for the respondents.

J U D G M E N T
(20/04/2017)

This second appeal has been filed under Section 100 of CPC against the judgment and decree dated 26.07.2000 passed by Ist Additional District Judge, Vidisha in Civil Appeal No.71-A/1991 arising out of judgment and decree dated 31.03.1989 passed by II Civil Judge Class I, Vidisha in Civil Suit No.185-A/1984.

The second appeal has been admitted on the following substantial question of law:-

> "Whether finding regarding sale-deed in Civil Appeal No.302-A/71, decided on 19.4.72 shall operate as res judicata and this suit is liable to be dismissed as barred by principle of res judicata?"

Before considering the case on merits, it would be appropriate to mention that I.A.No.3156/2010 filed under Order 41 Rule 27 r/w 151 of CPC, I.A.No.3155/2010 filed under Order 6 Rule 17 r/w 151 of CPC and I.A.No.3004/2010 filed under Section 100 (5) of CPC are still pending.

By order dated 29.3.2010, this Court had directed that I.A.No.3155/2010 and I.A.No.3156/2010 shall be considered

at the time of final hearing. Similarly, by order dated 30.08.2010, it was directed that I.A.No.3004/2010 filed under Section 100 (5) of CPC shall be considered at the time of final hearing.

Before considering the aforesaid interlocutory applications, it would be appropriate to consider the facts of the case.

The civil suit was filed on 13.11.1962 by Bhuri Bai for declaring the sale deed dated 6.10.1962 as null and void as well as for possession of the land in dispute, in case, the defendants take the possession of the disputed property during the pendency of the suit as well as for other reliefs which may be appropriate under the facts and circumstances of the case. Bhuri Bai died during the pendency of the civil suit and she was substituted by her daughter Ramkho Bai. Ramkho Bai died during the pendency of the civil appeal and the respondent No.1 & 4 are legal representatives of Ramkho Bai. Similarly, the original defendants Narayan, Seetaram and Gorelal died during the pendency of the appeal. The appellants No.1 (a) to (c) are the legal representatives of Narayan whereas the appellants No.3 (1) to 3 (4) are the legal representatives of Seetaram. As Gorelal died without living any legal representative, therefore, his name was deleted in compliance of order dated 07.01.2010 passed by this Court.

The case of the plaintiff was that she is an illiterate and old lady aged about 90 years and is residing in Village Boriya which is situated at a distance of 12 miles from District Vidisha. Ramkho Bai who is the daughter of the plaintiff is a widow and is aged about 50 years and she too is an illiterate lady and is residing with the plaintiff Bhuri Bai and according to the social as well as family traditions, the plaintiff generally do not go outside and, therefore, she is completely unaware of the outside world. It was further alleged that the plaintiff Bhuri

Bai had no male issue and Har Govind is the son of the elder brother-in-law of Bhuri Bai who is residing separately from that of Bhuri Bai and they are on inimical terms with the plaintiff. It was further pleaded that the defendants namely Seetaram, Gorelal and Narayan are the real brothers and they are the residents of Boriya and they are on inimical terms with Har Govind. The defendant No.1 Seetaram most of the time resides in Vidisha and is fully aware about the inimical relations of the plaintiff with Hargovind. The defendant No.1 Seetaram came to the house of the plaintiff Bhuri Bai on 4.10.1962 and made her to believe that he would help her out to take the possession back from Hargovind and his sons and for that purposes, he may be required to file civil suit also, therefore, the plaintiff Bhuri Bai may execute a power of attorney, so that he can start the proceedings. The plaintiff Bhuri Bai relied upon the assurance given by the defendant No.1 Seetaram and accordingly the defendant No.1 Seetaram took the plaintiff Bhuri Bai to Vidisha and kept her in his house for 15 days and did not allow anybody to meet Bhuri Bai. It was further pleaded that the defendant No.1 Seetaram took the plaintiff Bhuri Bai to the court on two different dates and got certain documents prepared from an advocate and obtained the thumb impression of the plaintiff Bhuri Bai on the assurance that these documents are the power of attorney which are required for obtaining the possession of the land. When the plaintiff Bhuri Bai came back to her house then she heard in the village that the plaintiff Bhuri Bai has sold the land to the defendant No.1 and therefore the plaintiff Bhuri Bai came to Vidisha and inquired through her counsel and came to know that the defendant No.1 Seetaram instead of initiating the proceedings for recovery of possession have in fact got the sale deed executed in respect of half of her share in favour of himself and his brother Gorelal and Narayan. She also came to

know that apart from the land in dispute, the defendant No.1 has also got another sale deed executed on 15.10.1962 in favour of his mother and for which a separate civil suit is being filed. It was further pleaded by the plaintiff Bhuri Bai that the defendants have neither given any consideration amount nor they are financially sound so that they may give the same to the plaintiff. The plaintiff Bhuri Bai has never given the possession of the land in question to the defendants and the defendants are also not in possession of the land in question. It was further pleaded that the plaintiff has not executed the sale deed out of her own free consent and the defendant No.1 Seetaram has obtained the sale deed by playing fraud. It was further pleaded that in case if the defendant succeeds in taking the possession of the land in question on the strength of sale deed dated 06.10.1962 then the possession be restored back to the plaintiff. Accordingly, the suit was filed for declaration that the sale deed dated 06.10.1962 is null and void and also for delivery of possession in case if the plaintiff is dispossessed during the pendency of the suit. The civil suit was numbered as C.S.No.141-A/1962.

The defendants Seetaram, Narayan and Gorelal filed a joint written statement and denied the plaint averments. The defendants denied that the plaintiff Bhuri Bai is aged about 90 years and denied that as per the family tradition, she generally do not go outside. It was accepted that Har Govind is residing separately from the plaintiff Bhuri Bai and it was pleaded that Har Govind is not in possession of the land in dispute and after the execution of the sale deed, the defendants have been placed in possession. It was admitted that the defendants No.1 to 3 namely Seetaram, Gorelal and Narayan are real brothers but they denied of having any enmity with Har Govind. It was further pleaded that in fact the civil suit has been got filed by Har Govind through the plaintiff Bhuri Bai.

The averment made by the plaintiff that she was kept in the house of the defendant No.1 for 15 days was denied. It was contended that in fact the plaintiff Bhuri Bai herself had executed the sale deed out of her own free will/consent after receiving the full consideration amount. By way of additional pleadings, it was alleged that after the sale deed was executed in favour of the defendants, Har Govind wanted to purchase some piece of land and, therefore, an agreement to sale was also executed but as Har Govind backed out from his promise, therefore, the sale deed could not be executed. Har Govind thereafter with the help of the villagers had tried to pressurize the defendants to sell the land but as the defendants have refused to do so, therefore, Har Govind has got the suit filed.

It is not out of place to mention here that two different civil suits were filed in respect of two different lands. One sale deed was executed on 06.10.1962 by plaintiff Bhuri Bai in favour of defendants Seetaram, Narayan and Gorelal whereas another sale deed was executed by the plaintiff Bhuri Bai on 15.10.1962 in respect of another land in favour of Sahodra Bai, the mother of Seetram, therefore, two different suits were filed. It appears that the another civil suit was numbered as C.S.No.137-A/1962. The suit was thereafter fixed for settlement of issues but it appears that a prayer was made for consolidation of both the civil suits. It appears that on 09.07.1965, the Trial Court consolidated the civil suit No.141-A/1962 with Civil Suit No.137-A/1962 and thereafter the orders were passed in Civil Suit No.137-A/1962. No evidence was recorded in the present suit and on the basis of the evidence recorded in Civil Suit No.137-A/1962 (wrongly mentioned as Civil Suit No.138-A/1962 in different order-sheets of the Trial Court), a common judgment was passed on 06.05.1969 and the civil suit filed by the plaintiff was decreed and the sale deed dated 06.10.1962 was cancelled.

Being aggrieved by the judgment and decree dated 06.05.1969, the defendants Seetram, Gorelal and Narayan Singh filed a civil appeal under Section 96 of CPC.

In the civil appeal No.302-A/1971, it was submitted by the defendants that the civil suit No.137-A/1962 was filed by the plaintiff Bhuri Bai for declaring the sale deed dated 15.10.1962 as null and void on the ground of fraud. It was further stated that the factum of fraud would be different and independent from each other and therefore the facts in these two cases are different and independent and the evidence in respect of these facts cannot be contemplated to be common. Accepting the contention raised by the defendants, the Appellate Court by judgment and decree dated 19.04.1972 allowed the appeal and the case was remanded back to the Trial Court for fresh and separate trial of the case.

The relevant portion of the judgment passed by the Appellate Court in Civil Appeal No.302A/1971 is as under:-

> "15. The third assentiality for consolidation is whether the evidence contemplated will be common. This is a case by Bhuribai challenging the sale deed dated 6.10.1962 and asking for the cancellation of it. In this case the sale deeds dated 15.10.1962 are not in question, while in case No.137-A Ramkobai has prayed that sale deeds dated 15.10.1962 be declared ineffective as against and not for cancellation. These deeds are sought to be cancelled by Bhuribai, and declared ineffective by Ramkobai on the basis of fraud practised on Bhuri bai, but that fraud is alleged to have been practised on 06.10.1962 and 15.10.1962. The suits No.141-A and 138-A 1962 are in respect of fraud a alleged to have been practised on 6.10.1962 and suits No.137-A and 140-A are in respect of fraud alleged to have been practised on 15.10.1962. The sale deeds of both of them dates are different and parties to these sale deeds also are not identical. Practising of fraud is a question of a fact. In this case, the

question for decision is whether on 6.10.1962 the question for decision is whether on 6.10.1962 the defendant got the sale deed executed by practising fraud on Bhuri bai, while in case No.137-A the point to be decided was regarding the fraud alleged to have been practised on 15.10.1962. As the fraud alleged to have been practised on these two (page is torn) independent of the other. Thus, the question of facats in these cases were quite different and independent and so, the evidence in respect of these facts can not be contemplated to be common, this condition also was backing.

16. Learned counsel for appellant has argued that as the defendant never consented to consolidation, the evidence recorded in case No.137-A of 1962 is no evidence for the purpose of this case and the judgment of the learned lower court is therefore, based on no legal evidence. This argument of his, also carries weight, because plaintiff also did not ask this case to be consolidated with case No.137-A of 1962, as I have already mentioned in para No.5 above. Defendant opposed the consolidation. So, the parties to this case have not consented to the consolidation, or for the evidence to be heard in common. In this connection, reference may be made to A.I.R. 1962 Gujrat 92 (Bhope Fakir Bai v. Jiji Bhai Bechardas) which has been relied by our High Court in 1968 J.L.J. Short note 24 (Supreme Court). In para No.3 of that case (AIR 1962 Gujarat 92), it has been observed by Hon'ble Desai, the Chief Justice, that :-

> "Whatever principles may apply to the consolidation of appeals, I am of the opinion that evidence cannot and ought not be heard in common in suits without the consent of the parties."

In the present case also there is no such consent either of the plaintiff or of the defendants on the point that this case should be consolidated with case No.137-A, or that the evidence of this case should be recorded in case No.137-A of 1962.

> (page is torn) Learned counsel for the appellant has (page is torn) appellant due to the consolidation of these four cases, because the incidents which took place on 6.10.1962 have been kept in mind while deciding the happenings of 15.10.1962, and vice versa. The evidence of both the incidents jumbled together and so, the facts regarding each incident could not be properly appreciated, and the trial also could not be fair. This argument also cannot be lightly brushed aside and has to be given due weight. We see that no issues, even have been framed in this case.
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> 18. In view of the above discussion, it is quite manifest that there has not been the proper trial of this suit, the order of consolidation of this case with other cases was bad in law, judgment has been recorded on the basis of evidence in case No.137-A of 1962, and that is not warranted by law. So, the case deserves to be sent back to the learned lower court for fresh and separate trial, ignoring the order of consolidation of cases passed in civil suit No.137-A of 1962 on 19.7.1965"

After the remand, the civil suit was renumbered as Civil Suit No.185-A/1984. After the remand, the Trial Court framed the issues and recorded the evidence of the witnesses. After considering the evidence and the documents of the parties, the Trial Court dismissed the suit of the plaintiff by judgment and decree dated 31.03.1989. It was held by the Trial Court that plaintiff Bhuri Bai has executed the sale deed on her own free will after receiving the consideration amount.

Being aggrieved by the judgment and decree dated 31.03.1989, Ramkho Bai filed a civil appeal under Section 96 of CPC. During the pendency of the appeal, Ramkho Bai expired and the respondents No.1 to 4 were substituted as her legal representatives. The Appellate Court by judgment and decree dated 26.07.2000 set-aside the judgment and decree passed by the Trial Court and decreed the suit by holding that

the sale deed dated 06.10.1962 was obtained by playing fraud and consequently the sale deed Exhibit D-1 was held as null and void and ineffective against the appellant/plaintiff. It was also held that the defendants are not in possession of the land in dispute.

Being aggrieved by the judgment and decree dated 26.07.2000, the present appeal has been filed under Section 100 of CPC and the appeal was admitted by this Court on the abovementioned substantial question of law.

So far as the substantial question of law framed by this Court is concerned, a centripetal question for determination is that whether the judgment and decree passed by the Appellate Court on 19.04.1972 in Civil Appeal No.302-A/1971 would operate as res judicata or not?

As pointed out in the previous paragraphs, two different civil suits were filed for declaration of two different sale deeds as null and void which were executed between different parties and were in respect of different land. Both the civil suits were consolidated and the issues were framed in one suit and the evidence of the parties were recorded in one suit and by a common judgment and decree dated 06.05.1969, both the civil suits were allowed and both the sale deeds i.e., sale deed dated 06.10.1962 (which is a subject matter of the present appeal) and the sale deed dated 15.10.1962 were declared as null and void and not binding on the plaintiff. Against the common judgment dated 06.05.1969, the defendants had filed a civil appeal which was numbered as C.A.No.302-A/1971 which was decided by judgment dated 19.04.1972 and it was held that both the civil suits should have been tried separately as different sale deeds have been sought to be declared as null and void on the basis of fraud which are independent to each other. Thus, it is clear that by judgment dated 19.04.1972, the rights of the parties were not decided and the

judgment was passed in the present proceedings itself setting aside the judgment dated 06.05.1969 passed by the Trial Court, therefore, it cannot be said that the judgment dated 19.04.1972 passed in Civil Appeal No.302-A/1971 would operate as res judicata. Thus, in the considered opinion of this court, the substantial question of law which was framed by this Court in fact does not arise at all.

As pointed out earlier, three applications which have been filed by the appellants before this Court are pending. First of all, I.A.No.3004/2010 which is an application under Section 100 (5) of CPC for framing the additional substantial question of law will be considered. By filing application under Section 100 (5) of CPC, the appellants have proposed the following substantial question of law:-

> "i) Whether on the pleadings and the material brought on record by the plaintiff, the lower Appellate Court was right in decreeing the suit filed by the plaintiff, reversing the judgment and decree passed by Trial Court that too without considering evidence of the plaintiff and without reversing the certain findings recorded by learned Trial Court ?
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> ii) Whether lower Appellate Court has erred in deciding the application u/o 41 rule 27 CPC (I.A.No.3) without hearing the appeal on merits, accordingly, the interim order dtd.2.7.1992 is not sustainable?
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> iii) Whether lower Appellate Court had erred in not deciding the application u/o 41 rule 27 CPC (I.A.No.5) dtd.7.9.1992 filed on behalf of appellants/defendants?
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> iv) Whether lower Appellate Court has also erred in not deciding the application u/o 41 rule 27 CPC (I.A.No.4) dtd.20.8.1992 filed on behalf of the plaintiff/respondents?
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> v) Whether the learned lower Appellate Court has erred in not considering the effect of judgment and decree dtd.26.8.1992 passed in civil appeal No.297-A/1978 placed on record by filing application u/o 41 rule 27 CPC ?

vi) Whether the learned lower Appellate Court has erred in deciding the appeal and in passing the impugned judgment and decree placing burden of proof on the shoulders of defendants and without considering the evidence of the plaintiff available on record ?

vii) Whether the learned lower Appellate Court has erred in deciding the issue of fraud against the defendants without there being specific pleadings and proof of fraud ?

viii) Whether the lower Appellate Court being final court of fact and law is required to make critical analysis of the evidence adduced by the parties in the light of pleadings?

ix) Whether in view of decision of civil suits filed with respect to land of village Khamkheda and Boriya covered by the sale deed dt.15.10.62, the present plaintiffs/respondents are estopped from challenging the sale deed dt.6.10.62 on the same set of allegations of alleged fraud?

x) Whether the learned lower Appellate Court has erred in not considering the statement of Vijayram (Ex.D/3) contrary to provisions of section 33 of the Evidence Act ?

xi) Whether the judgment and decree passed by lower Appellate Court being perverse on facts and contrary to law and being based on wrong assumptions not acceptable under the law is not sustainable."

Most of the substantial questions of law which have been proposed by the appellants are in fact not substantial question of law but they are based on facts.

It is contended by the counsel for the appellants that the Appellate Court while allowing the appeal had not considered the evidence of the plaintiff at all and had wrongly put the burden of proof on the defendants and after considering the evidence of the defendants and without touching the evidence of the plaintiff, has reversed the judgment and decree passed by the Trial Court and, therefore, shifting of burden would be a substantial question of law.

Section 101, 102 & 103 of Evidence Act deals with

burden of proof, which reads as under:-

> "**101. Burden of proof.**—Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist. When a person is bound to prove the existence of any fact, it is said that the burden of proof lies on that person.
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> **102. On whom burden of proof lies.**—The burden of proof in a suit or proceeding lies on that person who would fail if no evidence at all were given on either side.
>
> **103. Burden of proof as to particular fact.**—The burden of proof as to any particular fact lies on that person who wishes the Court to believe in its existence, unless it is provided by any law that the proof of that fact shall lie on any particular person."

Thus, it is clear that the burden of proof would be on that person who would loose the case, if no evidence is led by any of the parties.

In the present case, the basic submission of the plaintiff is that on the pretext of getting a power of attorney executed, the defendant No.1 Seetaram took the plaintiff Bhuri Bai to Vidisha and instead of getting the power of attorney executed and by playing fraud and taking advantage of illiteracy as well as old age of the plaintiff Bhuri Bai got a sale deed executed in respect of the suit land without making payment of the consideration amount.

This Court has heard the counsel for the plaintiff in detail on the question that whether the plaintiff has led sufficient evidence to prove that any fraud was played by the defendant No.1 with the plaintiff Bhuri Bai or not?

It was the contention of the counsel for the appellant that this Court in exercise of powers under Section 100 of CPC should not hear the matter on facts and should remand the case back to the Trial Court for deciding afresh.

Under the facts and circumstances of the case, this Court could not convince itself of not hearing the appellant on the

facts for the simple reason that the civil suit was filed in the year 1962. 55 long years have passed and in case the matter is remanded back to the Appellate Court then it would again take about another 15 years because against the judgment and decree passed by the Appellate Court, one of the party would have a right to file a second appeal. This Court do not want that this litigation should continue to years together without any possibility of an end, therefore, the counsel for the appellant was heard and was asked to point out any lapses or deficiency in the evidence of the plaintiff so as to make their case weak. Even otherwise, under Order 41 Rule 24 of CPC, the Appellate Court has a power to determine the case finally. This court is conscious of its limitations while exercising powers under Section 100 of CPC but in order to avoid any further delay and in order to avoid keeping the civil litigation pending between the parties for next generation to come, therefore, the counsel for the appellant was heard on facts also.

After referring to the evidence of the plaintiff as well as their cross-examination, the counsel for the appellant could not point out any piece of evidence which may nullify the claim of the plaintiff that the defendant no.1 had played fraud on the plaintiff Bhuri Bai for getting the sale deed executed instead of power of attorney. Even otherwise, the Supreme Court in the case of **Mst. Kharbuja Kuer v. Jangbahadur Rai & Ors.**, reported in **AIR 1963 SC 1203** has held that where the plaintiff, a pardanashin lady has executed a document then the burden would be on that party who relies on the document to show that the said document was executed by the said pardanashin. Although, the plaintiff Bhuri Bai was not a pardanashin lady but in the plaint itself it was specifically pleaded by the plaintiff Bhuri Bai that because of her family tradition as well as social scenario coupled with her old and

advanced age, she did not use to go outside and is not aware of the outside world. Thus, the limitation which are attached to pardanashin lady was specifically pleaded by the plaintiff Bhuri Bai and, therefore, under these circumstances, this Court is of the view that the Appellate Court did not commit any mistake in shifting the burden of proof on the defendants to prove that the sale deed in question was executed by the plaintiff Bhuri Bai after understanding the same. Thus, this Court is of the view that the substantial question of law proposed by the counsel for the appellant with regard to shifting of burden of proof on the shoulder of the defendant by the Appellate Court does not arise.

So far as the pleadings of fraud are concerned, the entire plaint is based on the pleadings of fraud. The fraud has been pleaded specifically by the plaintiff and the entire evidence of the plaintiff is based on fraud, therefore, accordingly, the substantial question of law proposed by the appellant to the effect that there are no specific pleadings of fraud does not arise.

The next substantial question of law proposed by the counsel for the appellant is that the judgment and decree passed in the civil suit which was filed in respect of the land situated in other village which were the subject matter of sale deed dated 15.10.1962 is binding and the respondent no.1 to 4/plaintiffs are estopped from challenging the sale deed dated 06.10.1962 on the same set of allegation. Suffice it to say that the appellant are now estopped from raising this question. While arguing the civil appeal No.302-A/1971, it was the case of the appellant that since the sale deeds, lands and the parties in respect of both the suits were different and the cause of action was based on different set of allegations of fraud, therefore, they are independent to each other. Accordingly, it is held that even this substantial question of law

does not arise.

So far as the evidence of Vijayram Exhibit D-3 which was recorded in another set of civil suit is concerned, the same cannot be said to be a substantive piece of evidence so far as the present suit is concerned and at the most it can be said to be a relevant fact but as the sale deeds in both the civil suits are different and the lands and parties are also different, therefore, the evidence of Vijayram Exhibit D-3 which was recorded in another suit cannot be said to be relevant even for the purposes of this suit. Even if it is considered to be a relevant fact then that by itself cannot take place of substantive piece of evidence, therefore, the substantial question of law proposed by the appellant with regard to non consideration of evidence of Vijayram under Section 33 of Evidence Act also does not arise.

Another substantial question of law has been proposed by the counsel for the appellant that 3-4 different applications were filed under Order 41 Rule 27 of CPC, out of which, three applications were not decided by the Appellate Court and, therefore, the matter should be remanded back to the Appellate Court for deciding the applications which were filed under Order 41 Rule 27 of CPC.

Undisputedly, the documents pertaining to different civil suit were filed along with the applications under Order 41 Rule 27 of CPC before the Appellate Court. As it has already been held that for the purposes of this suit, the evidence or finding recorded in the different suit are not relevant, therefore, even if the applications filed by the appellant under Order 41 Rule 27 of CPC remained undecided by the Appellate Court then it cannot be said that any prejudice has been caused to the appellant. Accordingly, this Court is of the view that no substantial question of law which has been proposed by the appellant by filing an application under Section 100 (5) of CPC

arises, therefore, the application i.e., I.A.No.3004/2010 filed by the appellants is hereby rejected.

So far as the application filed by the appellants under Order 41 Rule 27 r/w 151 of CPC (I.A.No.3156/2010) and under Order 6 Rule 17 of CPC (I.A.No.3155/2010) are concerned, again the same are based on the judgment passed in another civil suit. Along with an application filed under Order 41 Rule 27 of CPC, the appellants have prayed for taking the judgment and decree passed in the another civil suit as additional evidence. As it has already been held that the judgment and decree passed in another suit has no bearing, therefore, I.A.No.3156/2010 filed under Order 41 Rule 27 r/w 151 of CPC is misconceived and is hereby rejected.

So far as I.A.No.3155/2010 which is filed under Order 6 Rule 17 r/w 151 of CPC seeking permission of this court to amend the written statement is concerned, as the same is based on the judgment and decree passed in different civil suit which has no bearing or relevance for the purposes of this suit, therefore, it is held that I.A.No.3155/2010 filed under Order 6 Rule 17 r/w 151 of CPC is misconceived and is hereby dismissed.

Accordingly, this appeal fails and is hereby dismissed. The judgment and decree passed by the Appellate Court is affirmed. The appellants shall bear the cost of the respondents No.1 to 4/plaintiffs also. Pleaders fees, if certified.

(G.S. AHLUWALIA)
Judge

(ra)