

eviction application against a dead person cannot be considered as lawful. Accordingly application under section 12(2) CPC filed by the legal heirs that was dismissed on the plea that legal heirs failed to place on record legal heirship certificate within time is not justifiable as respondent being landlord was required to join the legal heirs who were/are in possession of the demised premises; hence impugned exparte judgment recorded by trial court, order on application under section 12(2) CPC as well order passed in appeal, are set aside. Case is remanded back. Legal heirs of Muhammad Yousuf Allah Ditta would be competent to file written statement and case shall be decided on merits, preferably within three months.

J U D G E

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