


<u>Civil M.A. No.66/2020</u> <u>ORDER PASSED BELOW EXHIBIT NO.17.</u> <u>(Sakhram Argade Vs. Dhondabai Argade)</u>	MHAH140015642020 
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1. The present application is filed by applicant to bring on record legal representatives of non applicant No.1 and for its amendment in plaint.
2. The non applicant No.1A to 1E filed their say behind the same application. As per application the non applicant no.1 died on 14/03/2021. Present application filed on 16/12/2021. The present application is filed after limitation of statutory period. He can bring on record legal representatives of non applicant No.1 within time. He has intentionally prolonged to bring on record legal representative of deceased non applicant No.1. He has sufficient opportunity to bring them on record. There is reason not justifiable. Hence, application may be rejected.
3. Heard learned Advocate for the applicant and learned Advocate for the non applicant No.1A and 1E.
4. The application is along affidavit. As per applicant non applicant No.1 is died on 14/03/2021. Her death extract is not adduced on record. The concerned officer of Grampanchyat Saundala gave certificate that the entry of death of Dhondibai Bansi Argade is not found in their register. The documentary evidence of her death is not on record. The legal representative's of deceased Dhondabai Argade admitted that she is died on 14/03/2021 and they are her legal representatives. So far as her date of death and her legal representatives, date of death and

proposed non applicant No.1A to 1E are her legal representatives are not disputed.

5. This the application for condonation of delay caused for restoration of suit. Non applicant No.1 died in Covid-19 situation. In view of nature of application, right to sue survive to the legal representatives of deceased non applicant No.1.

6. From the application, it reveals that the applicant fails to bring on record legal representatives of the deceased non applicant No.1 within limitation of 90 days as is prescribed by Article 120 of the Limitation Act, 1963, from the date of death of the deceased non applicant No.1. Date of death of non applicant No.1 is not disputed. As per Suo Moto Writ Petition No.3/2020 the period from 15/03/2020 till 28/02/2022 stand excluded for the purpose of limitation. Considering the reason, the excluded limitation by Hon'ble Supreme Court, the application needs to be allow. Hence, I pass the following order:-

ORDER

1. The application (Exh.17) is allowed.
2. The applicant is allowed to bring legal representatives of deceased non applicant No.1A to 1E on record on or before next date.

Date : -16/06/2023.

(Smt. A. S. Gunjawate)
2nd Jt. Civil Judge Junior Division,
Newasa.