

**ORDER BELOW EXH.33****(Passed On : 21/01/2025)**

This is an application moved by plaintiffs for permission to bring legal heirs of plaintiff no.1E on record and amend accordingly. Perused application and say filed thereon. Heard both the sides at length.

2. It is contended by plaintiffs that he came to know about death of plaintiff no.1E. It is necessary to bring his legal heirs on record for fair and complete adjudication of dispute between parties. The right to sue survives against legal heirs of plaintiff no.1E. Therefore, it is necessary to bring legal heirs of plaintiff no.1E on record. Hence, present application.

3. Article 120 of the Limitation Act, 1963 provides that the legal heirs of deceased party can be brought on record within 90 days from the death of party. It is specifically contended by plaintiff that he came to know about death of plaintiff no.1E on 01/01/2024. Thus, present application is moved within stipulated period of 90 days. Present suit is filed for partition, declaration and perpetual injunction. plaintiff no.1E was a necessary party. Therefore, his legal heirs shall be necessary for fair and complete adjudication of dispute in hand. Consequently, I am inclined to allow present application. As a result, I proceed to pass the following order :

:: O R D E R ::

1. Application is allowed.
2. Permission to bring legal heirs of deceased plaintiff no.1E and carry out amendment regarding is allowed to the plaintiff.

(Anupama C. Parshetti)

Date: 21/01/2025.

Civil Judge Junior Division, Rahuri.