



ORDER BELOW EXH.29 IN. Reg Dtk NO. 12/2009
(Parvatabai Ananta Sabale Vs. Ramdas Baburao Sable)

1] The learned Advocate for deceased decree holder has filed this application and prayed for to take legal representatives of deceased decree holder on record. It is the contention of the learned Advocate for decree holder that, decree holder Parvatabi Ananta Sabale alias Parvati Namdev Udmale was died on 28/09/2020. The deceased decree holder has behind 1. Shri. Namdeo Lahanu Udmale, 2. Avinash Namdev Udmale, 3. Prakash Namdeo Udmale, 4. Subhash Namdeo Udmale & 5. Smt. Ashwani Kalidas Kharat as legal representative. Hence, he prayed for to take above legal representative of deceased decree holder on record.

2] The Judgment Debtor have filed their say through their advocate on the application. They have no objection to grant this application.

3] The Learned Advocate for deceased decree holder has filed copy of death extract of deceased Decree Holder i.e. Parvatabi Ananta Sabale alias Parvati Namdev Udmale along with at Exh. No.32. After perusal of death certificate it shows that, Parvatabi Ananta Sabale alias Parvati Namdev Udmale was died on 28/09/2020. The learned advocate for deceased decree holder has filed this application on 14/01//2021. At the outset it is worthwhile to mention that, as per Article 120 of the schedule to the Limitation Act prescribes 90 days period from the death of deceased decree holder. The Hon'ble Supreme Court in Re-cognizance for Extension of Limitation case reported in Miscellaneous Application No. 21 of 2022, dated 10/11/2022 held that due to Covid-19 pandemic, the limitation period from

15/03/2020 till 28/02/2022 stands excluded. Therefore, the present application is within time.

4] Considering the nature of execution proceeding and for proper adjudication opportunity should be given to the legal representatives of deceased decree holder in the execution proceeding. Also, judgment debtor's have not taken any objection with regard to the the name of deceased D.H. Also, if opportunity will be given on the contrary the Judgment Debtor's in the execution proceeding will not cause any irreparable loss. Hence, with this, I proceed to pass following order.

::O R D E R::

1. Application at Exh. No.29 is hereby allowed.
2. The legal representatives of deceased decree holder are permitted to bring them on record by amending and adding as a legal representatives in place of the deceased decree holder Parvatabi Ananta Sabale alias Parvati Namdev Udmale.
3. Legal representatives of deceased decree holder to carry out amendment within 14 days and file amended copies on record.

Shrigonda.

Date : 12/01/2022.

(Smt. S. G. Jadhav)

Jt. Civil Judge Junior Division,
Shrigonda.