



COMMON ORDER BELOW EXH.93 & 95 IN

RCS No.217/2013

(CNR : MHAH2500 0441 2013)

Perused the application filed by the plaintiff seeking liberty to bring on record the legal representatives of the defendant No.2 Hirabai Bhanudas Jadhav and defendant No.4 Sarubai Gopala Gunjal by condoning the delay and seeking permission to carry out the proposed amendment.

2. It is the contention of the plaintiff that date of death of defendant No.2 is 07.04.2023 and defendant No.4 is died on 01.08.2018. The application is supported by an affidavit of plaintiff stating that the delay has been caused to bring the legal representatives of the defendant No.2 & 4 on record due to unavailability of death certificates.

3. It is his further contention that the deceased defendant No.2 is survived by Bhanudas Maruti Jadhav, Bhausaheb Bhanudas Jadhav, Goraksha Bhanudas Jadhav, Latabai Suresh Kusekar and Vidya Changdeo Darekar. Defendant No.4 is survived by Gopala Keru Gunjal, Dattu Gopala Gunjal, Nanda Ashok Yeole, Ushabai Sahadu Aware, Sunita Ganpat Gaikwad and Sangita Savleram Waman. They are the legal heirs of the deceased defendant No.2 &

4. Therefore, by way of this application plaintiff is seeking permission to bring their legal heirs on record. Accordingly, plaintiff wants to add the names of aforementioned legal heirs as defendant No.2A to 2E and 4A to 4E by making bracket to their name and by adding the word 'deceased' after the name of defendant No.2 & 4.

4. Defendants filed their say overleaf to this application and submitted that plaintiff is deliberately prolonging the suit. Hence, prayed for necessary orders.

5. I have gone through the averment of both the parties and the documents filed on record. Both the applications are accompanied with plaintiff's affidavit. Considering the contention of the plaintiff, I am of view that the plaintiff had sufficient cause which prevented him from making application for bringing legal representative on record. The dispute involved in the suit is relating to the immovable property. The valuable rights of the parties are therefore required to be adjudicated. The legal heirs of the deceased defendant No.2 & 4 are required to be brought on record. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit, in the interest of justice, it is necessary to allow the applications and to carry out the necessary amendment accordingly. The amendment is based on subsequent event and will not change the original nature of the suit. In view of the aforesaid discussion following order is passed.

ORDER

1. The applications (Exh.93 & 95) are allowed.
2. The delay caused to bring legal heirs of defendant No.2 & 4 on record is hereby condoned.
3. The plaintiff is allowed to bring the legal heirs of the deceased defendant No.2 & 4 on record of the suit.
4. The plaintiff to carry out the proposed amendment within 14 days.

Date : 10.06.2024

(S. C. Salvi)
Jt. Civil Judge Junior Division,
Parner.