

**COMMON ORDER BELOW EXH.80 & 83 IN****RCS No.275/2013**

(CNR : MHAH2500 0597 2013)

Perused the application filed by the plaintiff seeking liberty to bring on record the legal representatives of the defendant No.1 Paraji Raosaheb Palaskar 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.1 is 22.02.2021. The application is supported by an affidavit stating that the delay has been caused to bring the legal representatives of the defendant No.1 on record due to lockdown during Covid-19 pandemic and non-availability of death certificate of defendant No.1.

3. It is his further contention that the deceased defendant No.1 is survived by his son Amol, six daughters namely Vandana Arjun Gaikwad, Manda Balasaheb Kale, Suvarna Dattatray Nimbalkar, Rani Bhanudas Veer, Vidya Bansi Bhoite, Seema Santip Taware and wife namely Kamal. They are the legal heirs of the deceased defendant No.1. Therefore, by way of this application plaintiff is seeking permission to bring his legal heirs on record. Accordingly, plaintiff wants to add the names of aforementioned legal heirs as defendant No.1A to 1G by making bracket to his name and by adding the word 'deceased' after the name of defendant No.1.

4. In spite of giving sufficient opportunity, defendants failed to file say. Defendants have filed pursis stating that defendant No.1 is died.

5. I have gone through the averment of both the parties and the documents filed on record. Plaintiff has filed death certificate of defendant No.1 along with Exh.82. 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.1 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 proposed amendment will not change the original nature of the suit. In view of the aforesaid discussion following order is passed.

ORDER

1. The applications (Exh.80 & 83) are allowed.
2. The delay caused to bring legal heirs of defendant No.1 on record is hereby condoned.
3. The plaintiff is allowed to bring the legal heirs of the deceased defendant No.1 on record of the suit.
4. The plaintiff to carry out the proposed amendment within 14 days.

Date : 03.07.2023

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