

Order passed below Exh. 89 in R.C.S. No. 49/2013
Shamim Begum Vs Mohammad Alimoddin & others

01. The applicants have filed this application to bring legal heirs of the plaintiff on record. It is submitted that plaintiff died on 14.01.2017 and applicants are her legal heirs and therefore they be added in the suit. It is submitted that it is required that they be brought on record to decide the suit on merit and no harm or injury will be caused to other side. Application is filed within limitation hence prayed to allow the application.

02. The defendants though sufficient opportunity was granted failed to file say. Even today the defendants and their learned Advocate absent though repeatedly called.

03. Heard learned Advocate Shri. S. K. Ambekar for the applicants.

04. The applicants also placed on record death certificate of deceased plaintiff. On perusal of the same, it appears that it is issued by Aurangabad Municipal Corporation, and that, the plaintiff died on 14.01.2017. Legal heirs are required to be brought on record within 90 days from the date of death. Present application is filed on 07.03.2017, hence it is well within limitation. The suit is for partition and separate possession and hence cause of action survives even after death of the plaintiff. I therefore inclined to allow the application and pass the following order.

ORDER

- 1) The application is allowed.
- 2) The applicants to amend the title clause of plaint and to add them as legal heirs of deceased plaintiff and to file amended copy of plaint on or before next date.
- 3) Cost in main cause.

Date :- 06th April, 2017.

Sd/-
(Ajay A. Bhatewara)
Civil Judge (Junior Division),
Gangapur

CERTIFICATE

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	:	Akshay R. Kulkarni.
Court	:	Civil Judge (J.D.), Gangapur.
Order Date	:	06.04.2017.
Order signed by the Presiding Officer on	:	13.04.2017.
Order uploaded on	:	13.04.2017.