

ORDER BELOW EXH.NO. 41 & 48 in Regular Civil Suit No. 88 /2012.

[Passed on 24.04.2014.]

1] Perused the applications. No say is filed by proposed Lr's. Heard Ld. Advocate Shri. G. M. Gajmal for plaintiff.

2] The application Exh. 41 is for setting aside abatement and application Exh. 48 is for taking the legal representative of deceased defendant No. 09 on record. It is the submission of plaintiff that defendant No. 09 died on 29.10.2012. Pursis in this regard is filed by Advocate of defendant No. 09 on 01.11.2012. But, the plaintiff had tried to collect the information of Lr's of defendant No. 09. However, he could not receive the information immediately. Therefore, delay is caused.

3] The proposed Lr's though appeared through Advocate Shri. Inamdar. But, failed to file their say. I have gone through the plaint. The suit is for recovery of possession under alleged encroachment. It appears that the proposed Lr's are necessary parties. If the proposed Lr's are taken on record their right would be protected. Since the proposed Lr's didn't file their say, it appears that they have no objection to array them as defendants in place of deceased defendant No. 09. Hence, the following order.

ORDER.

1. The applications Exh. 41 & 48 are allowed.
2. Abatement against defendant No. 09 is set aside.
3. The plaintiff shall amend the plaint by adding proposed Lr's as defendants in place of deceased defendant No. 09, within next date.

4. The plaintiff shall submit copy of amended plaint and to take necessary further steps against proposed Lr's.

Sd/-

Dated : 24.04.2014.

[G. G. Bharne.]
Civil Judge, Senior Division,
Majalgaon.