

MHBI120008822017



Common order below Exh. 22 and 26 in R.C.S. no.
170 of 2017

The present application is filed by the plaintiffs to bring the legal representatives of the plaintiff no.1 and defendant no. 2 on record by condoning the delay.

2. The plaintiffs contended that plaintiff no.1 and defendant no. 2 died on 30.04.2014 and 24.03.2011 respectively. Plaintiff no. 1 has four legal representatives and defendant no. 2 has four legal representatives. Their legal representatives could not be brought on record within the stipulated period as plaintiffs are not aware of transfer of present suit in Dharur Court. Hence prayed to allow the application.

3. The defendants filed the say to the present application and contended that application may be decided as per law procedure with heavy costs.

4. Perused the application and say. Heard.

5. From the perusal of the record, it is apparent that plaintiff no. 1 and defendant no. 2 died on 30.04.2014 and 24.03.2011 respectively. The abatement against them is set aside. Further, having regard to Order 22 Rule 3 of The Code of Civil Procedure, 1908, legal representatives of deceased are necessary to be brought on record for effectual adjudication of the matter. In absence of legal heirs of above

mentioned plaintiff and defendant there will not be complete justice and plaintiffs may be deprived of their rights. Therefore, it is necessary to take legal heirs on record.

Accordingly, the following order is passed :

ORDER

1. The applications (Exh. 22 and 26) are hereby allowed.
2. Plaintiffs are permitted to bring the legal representatives of plaintiff no. 1 and defendant no. 2 on record.
3. The plaintiffs shall make the necessary amendment in the suit accordingly.
4. The compliance of above order is to be done within the period of 14 days i.e. on or before 03.09.2019.

Dharur
Date: 16.08.2019

Sd/-
(Pritesh C. Deshpande)
Jt. Civil Judge (J.D),
Dharur