

MHBI160006122018



COMMON ORDER BELOW EXH.21 & 23 IN RCS NO.320/2018
(Kadubai Vs. Arjun & Ors.)

These applications are filed by plaintiff to bring on record legal representatives of deceased defendant No.1

2. Legal representatives of defendant No.1 served with notice. But, failed to appear. Hence, I proceed to decide this applications ex-parte against them.

3. Perused applications along with record of the suit. Heard learned advocates for both sides.

3. Record shows that, present suit is filed for partition and separate possession. During pendency of this suit defendant No.1 is died on 11/03/2022. Deceased defendant No.1 is survived by legal representatives as mentioned in the applications. Considering the nature of suit, after death of defendant No.1, the right to sue, survives. Hence, after demise of defendant No.1, his legal representatives needs to be brought on record. If this is not done, then it will affect to rights of plaintiff. Admittedly, delay of near about four months has been caused for bringing legal representatives of deceased defendant No.1 on record and hence abatement order came to be passed. But, in the interest of justice, in view of nature of suit and dispute between the parties, opportunity will have to be given to plaintiff to bring legal representatives of deceased defendant No.1 on record. Therefore, delay caused for bringing legal representatives of deceased defendant No.1 on record is needs to be condoned. Hence, following order is passed.

Order

1. The application filed at Exh. 21 and 23 are hereby allowed with cost of Rs.200/-. Cost be credited to the government.
2. Delay caused for bringing legal representatives of deceased defendant No.1 as prayed is hereby condoned.
3. Plaintiff is hereby directed to bring on record as a legal representatives of deceased defendant No.1 and amend the plaint accordingly on or before next date.
4. Parties to note.

Shirur Kasar
Date:- 12/03/2026

(A.S.Jagtap)
Civil Judge Junior Division,
Shirur Kasar

“I affirm that the contents of this PDF file are word to word as per original Judgment/order”.

Dictated on : 12/03/2026
Transcribed on : -----
Checked & signed on : 12/03/2026

[Sagar S. Ajabe]
Stenographer Grade-3