

ORDER BELOW EXH. 42 IN RCS NO. 71/2014.

(Passed on 28.11.2023.)

1. This is an application made by plaintiff to bring her Legal Representatives on record.
2. The learned advocate for plaintiffs submitted that, on 26.08.2019, plaintiff namely, Subidrabai Shriram Bhand has died, left behind her husband, 1. Shriram Pandu Bhand, 2. Santosh Shriram Bhand (son) and 3. Samadhan Shriram Bhand (son). Advocate for the plaintiff submitted that, aforesaid husband and two sons have legal heirs of deceased Subidrabai Shriram Bhand. Therefore, application be granted.
3. On the other hand, learned advocate for defendants have strongly opposed and resisted to the application. Lastly, he prayed for rejection of the application.
4. Heard. Read the application and say. Perused the record and proceeding. I have also gone through the relevant provisions of the Code of Civil Procedure, 1908.
5. The plaintiff has filed this suit against defendants for removal of encroachment and to get it's vacant possession. It is pending for evidence part heard. Admittedly, plaintiff namely, Subidrabai Shriram Bhand has reported to be died on 26.08.2019, living behind aforesaid legal heirs. However, defendants strongly opposed to the application. This is suit for removal of encroachment and to get it's vacant possession. Presence of LR's of deceased plaintiff is required, because right to sue is survived with LR's of deceased plaintiff. The

application is not within limitation. However, the plaintiff had filed an application at Exh. 39 for condonation of delay. That application has been allowed by this court on 01.08.2023. As such, the delay period has already been condoned by this court. Therefore, application is deserves to be granted. Hence, I proceed to pass following order.

ORDER

- 1) The application at Exh. 42 is allowed, subject to cost of Rs. 200/- payable to defendants on or before next date.
- 2) Advocate of plaintiff is permitted to bring LR's of deceased plaintiff on record.
- 3) It is directed to the plaintiff to carry out amendment within 14 days from the date of this order and shall file amended plaint.

Place - Lonar
Date- 28.11.2023.

Sd/-
(V. S. Raut)
Civil Judge Jr. Division, Lonar