

Order below Exh.30 in Reg.C.S. No.13/2019.

This is an application filed by plaintiff to bring the L.Rs. of defendant No.3 deceased Shantaram Dhudku Patil on record. It is contended by plaintiff that, defendant No.3 died on 01/02/2021. Therefore, it is necessary to bring L.Rs. of defendant No.3 on record. Hence, plaintiff has prayed for permission to bring L.Rs. of defendant No.3 on record.

2) Say of defendants was called, but defendants failed to file their say hence this application proceeded on merit.

3) Perused the application. Heard Ld. Advocate for the plaintiff. No one appeared on behalf of defendants, therefore, argument on their behalf could not be heard and I proceed to decide this application on merit.

4) As per contentions of the plaintiff, defendant No.3 Shantaram Dhudku Patil died on 01/02/2021 and cause of action survive to L.Rs. of deceased Shantaram Dhudku Patil. The present application filed on 20/09/2021. As per order of Hon'ble Apex Court in Misc. Application No.665/2021, dated 23/09/2021 the period of limitation for filling application, period from 15/03/2020 to 02/10/2021 is excluded while computing said period of limitation. It means the present application is filed within prescribed period of 90 days. Therefore, it appears that the present applications deserves to be allowed and I proceed to pass the following order.

-: ORDER :-

- 1) Applications at Exh.30 is hereby allowed as prayed and plaintiff is permitted to bring L.Rs. of defendant No.3 on record.
- 2) Plaintiff shall carry out amendment accordingly in the plaint and shall file amended plaint on record on till next date.

Date :- 04/12/2021

(S. L. Vaidya)
Civil Judge (J. D.),
Shindkheda Dist. Dhule.

CERTIFICATE

I certify that the contents of this PDF File are word to word as per Original Judgment/Order.

Name of the Steno : N.C. More,
Name of the Court : Court of CJJD and JMFC,
Shindkheda Dist. Dhule.
PDF Uploading Date : 06/12/2021.

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