



**RCS No.396/2014.**  
**Shrenik Vilas Upadhye & Ors. V/s. Annaso Ramgonda Patil &**  
**Ors.**

**Order passed below Application Exhibit – 87.**

It is reported that, Plff.No.4 Dhanpal Appa Upadhye is no more. He died on 05-05-2023. Leaving behind his LR's. Now, by filing present application, the Plff/s. seek permission to bring on record the LR's of deceased Plff.No.4 Dhanpal.

(2) Rule 10(A) of Order XXII of the Code makes it incumbent on the part of the learned counsel appearing for a party to the suit to inform the court about the death of that party. In compliance thereof, the death of Plff.No.4 Dhanpal is informed and by filing present application, the Plff/s. seek leave of this court to implead persons named in the application in lieu of deceased Plff.No.4 Dhanpal, being his LR's.

(3) It is law of land that, the death of a plaintiff or defendants shall not cause the suit to abate if the right to sue survives. The limitation for an application for the purpose of bringing on record the legal representatives of a deceased Plaintiff is under Art.120 of the Limitation Act, 1963, ninety days starting from the death of the party. I have perused article 121. Hence, I pass the following order :-

**ORDER**

- (i) Application is allowed.
- (ii) The Plff/s. are permitted to bring on record the legal heirs of Plff.No.4 Dhanpal, as mentioned in the Application, in the array of the Plff/s.
- (iii) The Plff/s. to place on record the amended plaint.

(iv) It will be open to the newly impleaded Plff/s. to raise genuine question as regards the representatives character of newly impleaded party, if any. In such exigency, it will be decided on its own merit.

(v) The Plff/s. to carry out the necessary amendment in the plaint within 14 days from today; also place on record the copy of amended plaint.

(Ganesh A. Ghule)  
3<sup>rd</sup> Joint Civil Judge (Jr.Divn.)  
Ichalkaranji.

Date : 19-07-2023.