

ORDER BELOW EXH.76 IN REGULAR CIVIL SUIT NO.225/2010.

1) The plaintiff has filed the present application Under Order 22 Rule 4 of Code of Civil Procedure to take legal heirs of defendant No.3 on record. The application contended that, defendant No.3 is expired on 16/4/2015. By way of this application plaintiff is seeking permission to take legal heirs of defendant No.3 on record.

2) Defendant has strongly objected the present application and submitted that, the application is not within limitation. Hence it is liable to be rejected.

3) Read the application and say. Perused the record. From record it is seen that, the death extract of defendant No.3 is produced along with list at Exh.73. The present suit is for declaration, perpetual injunction and for possession. Hence the cause of action survives even after the death of defendant No.3. If plaintiff is permitted to take legal heirs on record then it will help in proper and final adjudication of suit. No prejudice will be caused to defendants. Plaintiff has filed delay condonation application at Exh.71 which is already allowed. Because of which the delay caused in taking legal heirs of defendant No.3 is condoned. Considering the nature of suit the right to sue survive against legal heirs of defendant No.3. Hence I proceed to pass following order.

ORDER

- 1) The application is allowed.
- 2) The plaintiff is directed to carry out amendment within stipulated period.

Sd/-

Ichalkaranji.
Date:29/09/2017.

(Smt.V.D.Sungare)
6th Jt.Civil Judge Junior Division,
Ichalkarnaji.

I affirm that the contents of this P.D.F file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of stenographer	G.T.Kumbhar
Name of Court	V.D.Sungare, 6 th Jt. Civil Judge Junior Division, Ichalkaranji.
Date of Dictation	20/09/2017
Order signed by P.O. on	29/09/2017
Order uploaded on	05/10/2017