



REGULAR CIVIL SUIT NO. 18/2020
CNR NO.MHKO070000682020
ORDER BELOW EXH.36
(Shri. Ashok Kadage etc. Vs. Shri. Bapu Kadage etc.)

Plaintiff has filed this application for bringing on record legal representatives of deceased defendant no.1 Bapu Bharama Kadage. According to him, defendant no.1 died on 22/08/2020. The suit is for permanent injunction. Hence, it is necessary to bring on record necessary parties of the suit. Therefore, prayed to allow the application.

02. Defendants by filing their say objected the said application and contended that the present application is filed by plaintiff after 90 days from the date of death of defendant no.1. Hence, they prayed to reject the application.

03. Plaintiff has filed death certificate (Exh.35) of defendant no.1 on record. On perusal of record, it reveals that plaintiff filed this suit for permanent injunction. Defendant no.1 Bapu Bharama Kadage died on 22/08/2020 leaving behind widow, one son and two daughters. They are legal heirs of deceased defendant no.1. The right to sue therefore survives.

04. Plaintiff has stated that he has filed this application within limitation. On perusal of documents and record, it appears that defendant no.1 is died on 22/08/2020 and this application has been filed on 09/12/2020 which is after expiry of 90 days. The application to

bring the legal representatives of the defendant no.1 on record of the suit is not made within limitation period of 90 days as is prescribed by Article 120 of the Limitation Act, 1963, from the date of death of the defendant no.1. Due to pandemic of COVID-19, limitation period for filing application was extended till lifting up of lockdown. Therefore, considering the above discussion, it would be just to allow the application by imposing costs on plaintiff, I pass following order :-

ORDER

1. The application (Exh.36) is allowed subject to costs of **Rs.200/- (Rupees Two Hundred only)** to be paid to defendants on or before next date.
2. Plaintiff is allowed to bring the legal representatives of the deceased defendant no.1 on record as mentioned in para 2 of the application at Exh.36 on or before next date from the date of this order.

Date : 06/02/2021
Jaysingpur.

(Rohini A. Jadhav)
Joint Civil Judge Junior Division,
Jaysingpur.