

MHKO070001302003



Order below Exh.156 in Reg Civil Suit No.40/2003.

01. Plaintiff has filed the instant application for bring legal representatives of the deceased defendant no.29 Jaitunbi Badekhan Nadaf on record.

02. Plaintiff has contended that the defendant no.29 has died on 22/11/2019 and there are no other legal heirs of the deceased defendant no.29 except who is mentioned in the instant application. The instant application is supported by an affidavit.

04. Plaintiff has contended that the defendant no.29 was died on 22-11-2019 and present application is filed on 30-01-2020. Plaintiff has also produced death certificate of deceased defendant no.29 Jaitunbi Badekhan Nadaf on record below Exh.no.155/1, which shows that she was died on 22-11-2019. The plaintiff has contended that the defendant no.29 was died on 22-11-2019 and the plaintiff has filed the instant application within the period of 90 days from the death of deceased defendant no.29. The present application has filed within prescribed period.

05. I have heard the Ld. advocate for the Plaintiff.

06. After perusal the application and record, it is seen that the defendant no.29 was died on 22-11-2019 and present application is filed on 30-01-2020. Plaintiff has also produced death certificate of deceased defendant no.29 on record below

Exh.no.155/1, which shows that he was died on 22-11-2019. The instant application is filed on 30.01.2020. Thus, the plaintiff has filed the instant application within the period of 90 days from the death of deceased defendant no.29. It appears that, plaintiff has filed the suit for Partition. Hence, the right to sue against the Lrs; of defendant no.29 is still surviving. In order to unable the court to effectively completely adjudication upon and settled all the questions involved in the suit it is necessary to allow the application. Thus, considering all these circumstances, the instant application deserves to be allowed. Hence, I proceed to pass the following order.

:- ORDER :-

1. The application Exh.156 is allowed and plaintiff has permitted to bring the legal representatives of the deceased defendant no.29 Jaitunbi Badekhan Nadaf on record.
2. The plaintiff shall carried out the necessary amendment in the plaint within the period of 14 days from today and shall supply the amended copy of the plaint.

Dt.30/01/2020

(V.P.Shinde)
2nd Jt. Civil Judge Jr.Dn., Jaysingpur