

MHKO070002032021



ORDER BELOW EXH.23 IN R.C.S.No.40/2021

Santosh Datta Shinde

Vs.

Malutai Aananda Shinde

Perused the application and say file by the defendant no 2 and LR's of defendant No.3. Heard Ld. advocate of the plaintiff and defendants.

2. Perused record. The Ld. advocate of the plaintiff submitted death certificate of deceased defendant No.3. The defendant No.3 is reported to have died on 06/08/2023. The suit is file for partition and permanent injunction. The deceased defendant No.3 is survived by widow and daughter. They are legal heirs of the deceased defendant No.3. The right to sue, therefore, survives.

3. The application to bring the legal representatives of the deceased defendant No.3 on record of the suit is 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 deceased defendant No.3. Hence I pass following order :-

ORDER

1. Application (Exh.23) is allowed.

2. The plaintiff is allowed to bring the L.R's of the deceased defendant No.3 on record of the suit within 14 days from the date of this order.

3. In the peculiar circumstances, no order as to costs.

Date- 22/06/2024
Jaysingpur

Sd./-
(Vanita M. Kolekar)
3rd Jt. Civil Judge, Jr. Dn.,
Jaysingpur.

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

Name of the Stenographer	P. S. Musale
Name of Court	I/C.2nd Jt. Civil Judge Jr. Dn. and Judicial Magistrate F.C., Jaysingpur. Dist. Kolhapur.
Date of dictation	22/06/2024
Order signed by the P.O. on	22/06/2024
Order uploaded on	24/06/2024