

MHKO070010432010



**Order below Exh.92 in Reg Civil Suit No.198/2010**

01. Plaintiff has filed the instant application for bring legal representatives of the deceased Defendant no.22 Tatoba Balgonda Kumbhoje on record.

02. Plaintiff has contended that the defendant no.22 Tatoba Balgonda Kumbhoje has died on 15-04-2019 and there are no other legal representatives of the deceased defendant No.22 except who is mentioned in the instant application. The instant application is supported by an affidavit.

03. Say not filed by defendant.

04. The plaintiff has contended that the defendant no.22 Tatoba has died on 15-04-2019 and plaintiff has also produced death certificate of deceased defendant no.22 Tatoba Balgonda Kumbhoje on record below Exh.no.91/1, which shows that he has died on 15-04-2019. plaintiff has filed the present application on 06-06-2019. The application to bring the legal representatives of the deceased on record of the suit is made within limitation period of 90 days from the date of death of the deceased defendant no.22 as prescribed by the Limitation Act, 1963.

05. The plaintiffs have filed the suit for declaration and injunction. Hence, the right to sue against Lrs of deceased defendant no.22 is still surviving. In order to enable the court to effectively completely adjudication upon and settled all the questions involved in the suit, it is necessary to allow the application. Considering the reasons mention in the application it is necessary to allow the application. Hence, I proceed to pass the following order.

**-: ORDER :-**

1. The application Exh.92 is allowed and plaintiff is permitted to bring the legal representatives of the deceased defendant No.22 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.18/01/2020

(V.P.Shinde)  
2<sup>nd</sup> Jt. Civil Judge Jr.Dn.,  
Jaysingpur