

MHKO070010432010



Order Below Exh. 103 in
Regular Civil Suit No.198/2010
Aannaso Kumbhoje & Ors.
Vs
Vangonda Kumbhoje & others

The present application filed by the plaintiffs for bringing the legal representative of deceased defendant No.4. Perused the application. The plaintiffs are filed the death certificate of deceased defendant no.4 Shamgonda Nemgonda Kumbhoje at Exh.104/1. Upon perusal of death certificate it appears that Shamgonda Nemgonda Kumbhoje has died on 18/11/2020. The present application filed on 19/01/2021. Therefore as per Article 120 of The Limitation Act, the present application is within limitation. Therefore as per Para 96 (3) of Chapter VII of Civil Manual there is no need to hear the legal representative of deceased. My learned predecessor was issued notices to the legal representative of the deceased. Despite service of the notice they are failed to file their say. The present application in support of their affidavit. On the other hand, there is no reason on record to disbelieve the version of the plaintiffs that the proposed legal representative are not a legal representative of the deceased Shamgonda Nemgonda Kumbhoje. Additionally the present suit is filed for declaration and perpetual injunction. Therefore right to sue survives against the proposed legal representatives. Hence the application is allowed. The plaintiffs are allowed to bring legal representative of defendant no. 4 on record as mentioned in application. Plaint be amended accordingly on or before next date and filed amended copy of plaint.

Jaysingpur

Date – 03/09/2025.

(M. S. Patil)

Jt. Civil Judge Junior Division,
Jaysingpur. (Court No.02)

