

MHKO070012212019



ORDER PASSED BELOW EXH. 20, 21 and 22

(1) By way of present applications, plaintiffs are seeking permission to bring on record legal heirs of deceased defendant No.1 Bapu Mahadev Bhendwade, who died on 22/07/2020 by condoning delay caused for filing application for setting-aside abatement order and permission to bring those legal heirs on record.

(2) Notices were served on legal heirs and representative of deceased defendant No.1 Bapu Mahadev Bhendwade. In spite of service of notices nobody appeared and objected the applications. Suit is for partition of ancestral suit properties as per Section 6 and 8 of the Hindu Succession Act and for declaration of respective shares of the plaintiffs. Thus, considering the nature of suit, plaintiffs right to sue survives against legal heirs and representative of deceased defendant No.1, who are sought to be joined as defendant Nos. 1 to 6. The ground for delay i.e. outbreak of Covid-19 from the date of death of deceased defendant No.1 till filing of present application dtd. 30/1/2021 seems to be justifiable.

(3) Moreover proposed legal heirs of defendant No.1 are necessary to be joinded as his representative for full and final adjudication of the suit on merits. Thus, all the prayers of plaintiff deserves to be allowed. Hence, I proceed to pass following order.

ORDER

- (1) Applications at Exh. 20, 21 and 22 are hereby allowed in the interest of justice.
- (2) By condoning the delay for setting-aside abatement order against defendant No.1, permission to bring on record all the legal heirs of defendant No.1 Bapu Mahadev Bhendwade mentioned in Exh. 20 is granted to the plaintiff.
- (3) Plaintiff to carry out necessary amendment in plaint and supply copy of amended plaint to the court as well other contesting defendants.
- (4) No order as to costs.

Jaysingpur.
Dt.: 07/01/2023.

(**B.A. Gaikwad**)
Civil Judge Senior Division,
Jaysingpur.