

MHKO100000542008

REGULAR CIVIL SUIT NO. 11/2008



Bhairu Kamble-D.H & ors.

Vs.

Sakharam Kamble-D.H & ors.

ORDER BELOW EXHIBIT NO. 99

The present application is filed for bringing legal representatives of the deceased plaintiff no.2 on record.

02. It is contended that, plaintiff no.2 Ganpati Raghu Kamble died on 30/10/2023 and there are no other legal representatives of deceased plaintiff no.2 except those are mentioned in instant application. This application is supported by an affidavit.

03. Say of other sides were called and defendants filed say overleaf and submitted that, the contentions in this application are totally false. Reasons are not sufficient. There is delay in filing of application. Hence, they prayed to reject the application.

04. In view of Article-120 of Limitation Act, the application for bringing legal representatives of deceased plaintiff or defendant ought to have filed within 90 days from the date of death of deceased plaintiff or defendant. In instant matter, death extract of deceased plaintiff no.2 Ganpati Raghu Kamble shows that, he died on 30/10/2023 and instant application is moved on 11/07/2024, which is not within the period of limitation. However, as per order passed below Exh.98 delay caused in bringing legal representatives on record is condoned. Further, defendants nowhere denied that, the legal representatives mentioned in application are not representatives of deceased plaintiff no.2. Therefore, there is no hurdle to allow the instant application. Hence, I proceed to pass following order.

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-: ORDER :-

1. Application is allowed and plaintiff is permitted to bring the legal representatives of deceased plaintiff no.2 Ganpati Raghu Kamble on record after compliance of costs imposed as per Exh.98.
2. The plaintiff shall carry out the necessary amendment in plaint within 14 days and shall supply the amended copy of plaint.

(Dictated and pronounced in open Court).

(S. A. Rathod)

Gadhinglaj.
Date: 30/07/2024.

Jt. Civil Judge, Junior Division,
Gadhinglaj.

//3//

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

Name of stenographer	R. D. Patil.
Name of Court	S. A. Rathod, Jt. CJJD & JMFC, Gadhinglaj.
Date of Dictation	30/07/2024
Order signed by P.O. on	30/07/2024
Order uploaded on	31/07/2024