

MHKO100002222018



**Order passed below Exh. 29**

This is an application by the plaintiff for bringing legal heirs of deceased defendant no. 10 namely Sonabai Shankar Karling on record who died on 23/03/2018.

2. Read the application. Say not filed. Heard Ld. Adv. Shri. Shinde. Other side is absent. It transpires that, deceased Sonabai Shankar Karling died on 23/03/2018. This application is filed on 20/03/2019. There is delay of 253 days in bringing LR's on record. Every days delay is not specifically explained however it appears that, the plaintiff came to know about the death of defendant No. 10 after receipt of summons report. Now delay is condoned vide order passed below Exh. 28. It is also submitted that, much time has been vested in obtaining information of LR's. The suit is filed for partition and possession therefore it is necessary to include all necessary parties/heirs of deceased defendant no. 10 in the suit to decide the dispute finally. It will also help to avoid multiplicity of judicial proceeding. Hence, considering the reasons mentioned in the application and nature of dispute, I pass following order.

**ORDER**

- 1) Application Exh. 29 is allowed.
- 2) Plaintiffs are allowed to bring on record all the heirs of deceased defendant No. 10 as mentioned in the application Exh. 29.
- 3) Plaintiff shall carry out necessary amendment and take effect steps for service of summons on the proposed defendants and to file amendment copy of plaint.
- 4) C.O.A.

Date : 03/10/2019  
Place : Gadhinglaj

( M.T. Kharade)  
2<sup>nd</sup> Jt. Civil Judge Jr. Division  
Gadhinglaj