

MHKO100002402014

REGULAR CIVIL SUIT NO. 97/2014



Shivaji Desai & ors.

Vs.

Yashwant Desai & ors.

ORDER BELOW EXHIBIT NO. 70

The present application is filed for bringing legal representatives of the deceased defendant no.5 on record.

02. It is contended that, defendant no.5 Vasant Shankar Desai died on 11/07/2020 and there are no other legal representatives of deceased defendant except those are mentioned in instant application. This application is supported by an affidavit.

03. Say of other sides was called and defendants filed say overleaf and submitted that, the contentions in this application are totally false. Therefore, they prayed to reject the application with cost.

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 defendant no.5 Vasant Shankar Desai shows that, he died on 11/07/2020 and instant application is moved on 15/12/2023, which is not within the period of limitation. However, as per order passed below Exh. 69 delay caused in bringing legal representatives on record is condoned. Further, defendants no where denied that, the legal representatives mentioned in application are not representatives of deceased defendant no.5. Therefore, there is no hurdle to allow the instant application. Hence, I proceed to pass following order.

//2//

-: ORDER :-

1. Application is allowed and plaintiff is permitted to bring the legal representatives of deceased defendant no.5 on record after compliance of costs imposed as per Exh. 69.
2. Plaintiffs shall carry out the necessary amendment in plaint within 14 days and shall supply the amended copy of plaint.
3. After plaintiffs carry out necessary amendment and filed amended copy, issue summons to legal representatives of deceased defendant.

(Dictated and pronounced in open Court).

Sd/-

(S. A. Rathod)

Jt. Civil Judge, Junior Division,
Gadhinglaj.

Gadhinglaj.
Date: 29/01/2024.

//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 | 29/01/2024 |
| Order signed by P.O. on | 29/01/2024 |
| Order uploaded on | 29/01/2024 |