

MHKO100002732015 	<u>REGULAR CIVIL SUIT NO. 72/2015</u> Mahammad Sahebji Mulla & ors. Vs. Banubi Abdul Mulla & ors.
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ORDER BELOW EXHIBIT NO. 47

The present application is filed for bringing legal representatives of the deceased defendant no.1 Banubi Abdul Mulla and defendant no.9 Babalal Appalal Mulla on record.

02. It is contended that, defendant no.1 Banubi Abdul Mulla died on 18/06/2021 and defendant no.9 Babalal Appalal Mulla died on 06/01/2017 and there are no other legal representatives of deceased defendant no.1 and 9 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. No sufficient and cogent reason mentioned for delay caused. Hence, they prayed to rejection the application.

04. In view of Article-120 of Limitation Act the application for bringing legal representatives of deceased plaintiff ought to have filed within 90 days from the date of death of deceased plaintiffs or defendants. In instant matter death extract of deceased defendant no.1 Banubi Abdul Mulla and defendant no.9 Babalal Appalal Mulla shows that, they died on 18/06/2021 and 06/01/2017 respectively and instant application is moved on 20/10/2022, which is not within the period of limitation. However, as per order passed below Exh.46 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.1 Banubi Abdul Mulla and defendant no.9 Babalal Appalal Mulla. Therefore, there is no hurdle to allow the instant application. Hence, I proceed to pass following order.

-: ORDER :-

1. Application is allowed and plaintiffs are permitted to bring the legal representatives of deceased defendant no.1 Banubi Abdul Mulla and defendant no.9 Babalal Appalal Mulla on record after compliance of costs imposed as per Exh.46.
2. The plaintiffs shall carry out the necessary amendment in plaint on or before next date and shall supply the amended copy of plaint.

(Dictated and pronounced in open Court).

Gadhinglaj.
Date: 31/01/2023.

(S. A. Rathod)
2nd Jt. Civil Judge, Junior Division,
Gadhinglaj.

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, 2 nd Jt. Civil Judge Jr. Dvn. and Judicial Magistrate First Class, Gadhinglaj.
Date of Dictation	31/01/2023
Order signed by P.O. on	31/01/2023
Order uploaded on	31/01/2023