


MHKO100002972010 	<u>REGULAR CIVIL SUIT NO. 97/2010</u> Tanaji Gurule /Vs./ Sileman Kundaragi & ors.
---	--

ORDER BELOW EXHIBIT NO.88

The present application is filed for bringing legal representatives of the deceased defendant no.3 Housabai Kallappa Kadimani @ Bhikale on record.

02. It is contended that, defendant no.3 Housabai Kallappa Kadimani @ Bhikale died on 19/02/2019 and there are no other legal representatives of deceased defendant no.4 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, necessary order may be passed.

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.3 Housabai Kallappa Kadimani @ Bhikale shows that, she died on 19/02/2019 and instant application is moved on 24/01/2023, which is not within the period of limitation. However, as per order passed below Exh.87 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.3 Housabai Kallappa Kadimani @ Bhikale. 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.3 Housabai Kallappa Kadimani @ Bhikale on record after compliance of costs imposed as per Exh.87.
2. The plaintiffs shall carry out the necessary amendment in plaint on or before next date and shall supply the amended copy of plaint.
3. After plaintiffs carry out necessary amendment and filed amended copy, issue notice to legal representatives of deceased defendant.

(Dictated and pronounced in open Court).

Gadhinglaj.
Date: 10/03/2023.

(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	10/03/2023
Order signed by P.O. on	10/03/2023
Order uploaded on	10/03/2023