

MHKO100004092008 	<u>REGULAR CIVIL SUIT NO. 92/2008</u> Ramu Dhadam (Died Heirs) & ors. Vs. Bhima @ Bhimrao Patil(Died Heirs) & ors.
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ORDER BELOW EXHIBIT NO. 108

The present application is filed for bringing legal representatives of the deceased defendant no.4B and no.4C on record.

02. It is contended that, defendant no.4B Ashok @ Sharad Krushna Chougule died on 01/03/2018 and defendant no.4C Kedari Krushna Chougule died on 15/05/2016 and there are no other legal representatives of deceased defendant no.4B and 4C except those are mentioned in instant application. This application is supported by an affidavit.

03. Say of defendants was called and they filed say at Exh.109. It is submitted for defendants that, reasons mentioned in application are false. No satisfactory reasons given in the application for the delay. Plaintiffs were aware about death of deceased, but failed to take steps within stipulated time. Thus, they prayed to reject the application.

04. In view of Article-120 of Limitation Act the application for bringing legal representatives of deceased defendant or plaintiff 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.4B Ashok @ Sharad Krushna Chougule and plaintiff no.4C Kedari Krushna Chougule shows that, they died on

01/03/2018 and 15/05/2016 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.107 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.4B Ashok @ Sharad Krushna Chougule and plaintiff no.4C Kedari Krushna Chougule. 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 plaintiff no.4B Ashok @ Sharad Krushna Chougule and defendant no.4C Kedari Krushna Chougule on record after compliance of costs imposed as per Exh.107.
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: 22/11/2022.

(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	22/11/2022
Order signed by P.O. on	22/11/2022
Order uploaded on	24/11/2022