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| MHKO100010462012<br> | <b><u>REGULAR CIVIL SUIT NO. 260/2012</u></b><br><br>Sharada Shankar Sutar & ors.<br>Vs.<br>Kashinath Laxman Sutar & ors. |
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**ORDER BELOW EXHIBIT NO. 86**

The present application is filed for bringing legal representatives of the deceased defendant no.8 Ganu Bhima Sutar on record.

02. It is contended that, defendant no.8 Ganu Bhima Sutar died on 20/02/2013 and there are no other legal representatives of deceased defendant no.8 except those are mentioned in instant application.

03. Say of other sides were called and defendant no.1 filed say at Exh.87 and submitted that, reasons mentioned in application are false. Deceased defendant no.8 is he cousin of plaintiff who died on 20.02.2013. At the time of his death the plaintiff had came at Mouje Dundge. The plaintiff has knowledge of death of deceased defendant no.8. Ganu Bhima Suta died in the year 2013 and the outbreak of Corona occurred in the year 2020. No reason has been mentioned in the application as to why the inheritance application was not filed from 2013 to 2020. Thus, they prayed to reject the application with costs.

04. Perused the application. Heard the counsel of the plaintiffs and defendants at length. It appears that, defendant no.8 died on 20/02/2013 leaving above mentioned legal representatives behind. His legal representatives should be brought on record within

90 days i.e. the legal representatives should have been brought on record on or before 19/05/2013. Present application filed on 10/03/2022 i.e. not within limitation as per law. However, as per order below Exh.85, the delay so caused is condoned.

05. Therefore, to decide the suit on merit and as per the principle of natural justice, it is necessary to bring legal representative of deceased on record. Thus, as per application present legal representatives mentioned appears to be legal representatives of defendant no.8. Considering the nature of suit, to dispose of the dispute between the parties, it is necessary to bring all the necessary parties on record, in order to avoid multiplicity of proceedings. Thus, in my opinion, it just and proper to bring the legal representatives of defendant no.8 on record. The application deserves to be allowed. Thus, following order. 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.8 Ganu Bhima Sutar on record.
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: 30/09/2022.

( S. A. Rathod )  
2<sup>nd</sup> 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.

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| Name of stenographer    | R. D. Patil.                                                                                                   |
| Name of Court           | S.A.Rathod,<br>2 <sup>nd</sup> Jt. Civil Judge Jr. Dvn. and<br>Judicial Magistrate First Class,<br>Gadhinglaj. |
| Date of Dictation       | 30/09/2022                                                                                                     |
| Order signed by P.O. on | 30/09/2022                                                                                                     |
| Order uploaded on       | 30/09/2022                                                                                                     |