

MHKO100010462012

REGULAR CIVIL SUIT NO. 260/2012



Tarabai Sutar -D.H. & ors.

Vs.

Sashinath Sutar & ors.

ORDER BELOW EXHIBIT NO. 97

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

02. It is contended that, defendant no.4 Vilas Bhima Kamble died on 19/10/2023 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, all heirs of deceased no.4 have not been brought on record by plaintiffs. Hence, they prayed to reject the application.

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.4 Vilas Bhima Kamble shows that, he died on 19/10/2023 and instant application is moved on 26/10/2023, within the period of limitation. Further, defendants no where denied that, the legal representatives mentioned in application are not representatives of deceased defendant no.4 Vilas Bhima Kamble. Defendants have merely taken objection that, all legal representatives of deceased defendant are not taken on record. However, defendants have not given details about all those remaining legal representative

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so that, they can be brought on record. Thus, in absence of specification as to remaining legal representatives of deceased defendant it cannot be said that, present application is not maintainable. Therefore, there is no hurdle to allow the instant application. Hence, I proceed to pass following order.

:- ORDER :-

1. Application is allowed and plaintiff is permitted to bring the legal representatives of deceased defendant no.4 Vilas Bhima Kamble on record.
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 notice to legal representatives of deceased defendant.

(Dictated and pronounced in open Court).

Sd/-

(S. A. Rathod)

Gadhinglaj.
Date: 03/02/2024.

Jt. Civil Judge, Junior Division,
Gadhinglaj.

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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	03/02/2024
Order signed by P.O. on	03/02/2024
Order uploaded on	03/02/2024