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| MHKO100013812016<br> | <b><u>REGULAR CIVIL SUIT NO. 60/2016</u></b><br><br>Tukaram Sambrekar & ors.<br>/Vs./<br>Santu Lande & ors. |
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**ORDER BELOW EXHIBIT NO. 42**

The present application is filed for bringing legal representatives of the deceased defendant no. 2 to 4 on record.

02. It is contended that, defendant no.2 Yalappa Narsu Lande died on 02/10/2022, defendant no.3 Shankar Appaji Lande died on 14/01/2017 and defendant no.4 Maryappa Appa Sambrekar died on 06/10/2013 and there are no other legal representatives of deceased defendant no.2 to 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, the contentions in this application are totally false. The plaintiff has intentionally avoided taking the heirs on record stipulated time. 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 plaintiff contended that, defendant no.2 Yalappa Narsu Lande died on 02/10/2022, defendant no.3 Shankar Appaji Lande died on 14/01/2017 and defendant no.4 Maryappa Appa Sambrekar died on 06/10/2013 and instant application is moved on 30/01/2023, which is not within the period of limitation. However, as per order passed below Exh.40 & 41 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.2 Yalappa Narsu Lande, defendant no.3 Shankar Appaji Lande and defendant no.4 Maryappa Appa Sambrekar. 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.2 Yalappa Narsu Lande, defendant no.3 Shankar Appaji Lande and defendant no.4 Maryappa Appa Sambrekar on record after compliance of costs imposed as per Exh.40 & 41.
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 summons to legal representatives of deceased defendant.

(Dictated and pronounced in open Court).

**( S. A. Rathod )**

Gadhinglaj.  
Date: 17/04/2023.

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       | 17/04/2023                                                                                                     |
| Order signed by P.O. on | 17/04/2023                                                                                                     |
| Order uploaded on       | 17/04/2023                                                                                                     |