



Regular Civil Suit No. 333/2012

CNR No- MHKO110008442012

ORDER BELOW EXH. 107

Nana Shiva Kambale ----- Plaintiff

Vs.

Hirabai Rangrao Kambale ----- Defendants

1. Perused the application. Application filed by plaintiff under Order 22 rule 4 of the Code of Civil Procedure, 1908 and prayed for taking L.R.'s on record of defendant No. 3 Bharat Rangrao Kambale who has reported to be died on 04/11/2020.

2. Caption suit filed by plaintiff against defendants for perpetual injunction. Defendant No. 3 is surviving by legal heirs, therefore right to sue survives.

3. Defendant No. 3 died on 04/11/2020. The application to bring legal representatives of defendant No. 3 on 28/01/2021 i.e. within 90 days from the death of defendant No. 3 as prescribed in Article 120 of The Limitation Act 1963. The application is supported by affidavit of plaintiff. Deceased defendant No. 3 Bharat Rangrao Kambale is surviving by legal heirs as mentioned in this application by plaintiff on affidavit. So considering record it reveals that right to sue survives. Therefore, it is necessary to allow the application to bring on record the legal representatives of the deceased defendant No. 1. There are no other heirs except those named in application. Hence, following order is passed -

ORDER

- 1 Application is allowed.
- 2 Plaintiff is directed to bring legal heirs on record of deceased defendant No. 3 within 14 days from the date of this order.
- 3 Plaintiff to comply the order and to file amended copy of plaint within stipulated period.

Dt. 28/01/2021

**(C. S. Deshpande)
Jt. C.J.J.D. & J.M.F.C., Peth-Vadgaon.**

C E R T I F I C A T E

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 the Stenographer	Shri. R. P. Moraskar
Name of Court	Shri. C. S. Deshpande, Jt. C.J.J.D. & J.M.F.C., Peth-Vadgaon.
Date of Dictation	28/01/2021
Judgment/Order Signed by the P.O. on	28/01/2021
Judgment/ Order uploaded on	28/01/2021