



ORDER BELOW EXH. 41 in RCS No. 105/2017

CNR Number is MHKO110011112017

(Passed on 02/05/2022)

1. Through this application, Plaintiff prayed for permission to record names of legal heirs of deceased defendant No. 1 Sidram Tuka Shinge as per Order 22 Rule 4 of The Code of Civil Procedure, 1908.
2. Other side have filed reply on this application and strongly objected this application. Defendants contended that, reasons mentioned for the delay are not sufficient. All the reasons are false. Hence, defendants prayed for reject the application with costs.
3. Perused record. This application and say on it. Heard learned advocate for plaintiffs and defendants for sufficient time.
4. Deceased defendant No. 1 Sidram Tuka Shinge died on 12/01/2020. Proceeding was abated against him. Delay of more than 1 year 11 months and 13 days is condoned. Right to sue is survived by legal heirs named in this application in the form of daughters of deceased defendant No. 1 Sidram Tuka Shinge.
5. Application is supported by an affidavit. The reason mentioned in the application appears to be just which prevented Plaintiff for bringing legal heirs of deceased defendant No. 1 on record earlier. As such, I am inclined to allow the application by imposing some costs on plaintiffs. Resultantly, following order.

ORDER

1. Application is allowed.
2. After depositing cost of ₹400/- as per Exh. 39 and 40, plaintiffs are permitted to add names of legal heirs of deceased defendant No. 1 Sidram Tuka Shinge as prayed in plaint (Exh.1). Necessary amendment be carried and copies be supplied.

(C. S. Deshpande)

Date :- 02/05/2022

Jt. CJJD, Peth-Vadgaon.