

ORDER BELOW EXH.83.

This is an application for bringing on record the defendant no.05's legal heirs.

02. It is further submitted that after the death of defendant no.05, the plaintiff no.1 was suffering from diabetes and B.P. and he was under treatment of Dr. Shailesh Mane. Hence, plaintiffs failed to brought the legal heirs on record within stipulated period. Therefore, the order of abatement has been passed. The same is required to be set aside. For that separate application has been filed. The suit is for possession therefore, plaintiffs prayed for allowing the application by taking legal representatives on record.

03. Defendants filed their say and contended that, the reasons are not convincing. Moreover, the plaintiff no.1 did not file the medical certificate. Therefore, the applications may be rejected.

04. Perused the record and application and say filed on record. Heard the both learned advocates.

05. Perusal of record shows that the defendant no.05 is died on 29/05/2018 and the application is filed on 03/12/2019. The application has to be filed within 90 days, therefore, the delay of 01 years, 04 months and 16 days is caused. In my opinion, it just and proper to bring the legal representatives of the defendant no.05 on record. The reasons for the applications are well-founded. Moreover, delay can be compensated by imposing cost upon the plaintiffs. In the circumstances, the application below Exh.83, will have to be allowed. Hence, I pass following order,

ORDER

1. Applications below Exh.83 is allowed subject to cost of Rs.500/- (In Words Rupees Five Hundred Only) payable to defendants.
2. The plaintiffs are directed to bring on record the legal heirs of the defendant no.05, and to carry out the amendment within stipulated period.

Place : Garogti
Date : 28/02/2020.

(A. S. Koshti)
Civil Judge Junior Division, Gargoti.