



Annasaheb Banwanna Vs. Ramesh Patil

CNR - MHKO130002042013

COMMON ORDER BELOW EXH. 71 & 72 IN
R.C.S.No. 50/2013

1. These applications are filed by defendant no. 2 and 3 to bring the LR's of deceased plaintiff.
2. According to the defendant no. 2 & 3, they have filed the counter claim against the plaintiff. Further, plaintiff died on 12/11/2021 and according to these defendants, there is delay to brought the LR's of deceased plaintiff. Hence, prayed to add them as cause of action survive in this matter in the suit. It is further submitted that, there is no negligence or delay on part of these defendants. Accordingly, urged to allow the application.
3. LR's of deceased plaintiff are duly served vide Exh. 75. Death certificate of deceased plaintiff is filed on record. It reflects that, plaintiff died during the pandemic period. Considering, limitation period started since 01/03/2022 as per Hon'ble Supreme Court extended the period of limitation vide Sua motu Writ Petition No.03/2020 decided on 10th January, 2022. Thus, limitation period started in this case from 01/03/2022. Thus, there is hardly delay of one month in view of Sua Motu Writ Petition. Considering, cause of action survived in this matter, the application is allowed in the interest of justice. Both applications (Exh.71 & 72) are allowed. Defendant no. 2 & 3 are permitted to add LR's of deceased plaintiff and shall carry out necessary amendment in the suit as referred in the application, on or before next date.

Kagal
Date:- 28/11/2023

Sd/-
(B.D.Gore)
CJJD, Kagal.