

Order below Exh. 317 in Regular Civil Suit No. 34/1981.

This is an application moved by proposed defendant No. 4-B-1 to 4-B-5 for bringing the legal representatives of defendant No.4-B on record.

2) The perusal of death certificate of Shankar Janaba Patil revealed that he is died on 11/01/2016. The proposed defendants have applied for bringing his legal representatives on record today. Therefore, according to Article 120 of the Limitation Act, 1963 the application is within limitation.

3) The perusal of plaint revealed that plaintiffs have filed suit for the relief of partition and separate possession. The defendants have filed the counter-claim for the relief of perpetual injunction. Therefore, the right to be sue of defendant No. 4-B is survived against the plaintiffs. The perusal of application revealed that except the proposed legal representatives of 4-B-1 to 4-B-5 there are no any other legal representatives to the defendant No. 4-B.

4) As the application is within the limitation and right to sue survives to the legal representatives of defendant No.4-B. Hence, application deserves to be allowed. Therefore, I proceed to pass following order.

Order

1. The application is allowed.
2. The legal representatives of defendant No.4-B i. e. defendant No. 4-B-1 to 4-B-5 are permitted to appear on record.
3. The defendant No. 4-B-1 to 4-B-5 are directed to carry out the necessary amendment in the counter-claim and file copy of amended counter-claim on or before next date.
4. Failure to comply above order on or before next date, application deemed to be rejected.

Dated:- 25/02/2016.

Sd/-
(M. D. Thombare)
Civil Judge, Jr. Dn., Chanddgad.

CERTIFICATE

I affirm that the contents of this P. D. F. file Order is same, word to word, as per the original Order.

Name of the Stenographer	Shri. V. L. Tatkod, L. G. Stenographer.
Name of Court	Shri. M.D. Thombare, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	25/02/16
Judgment signed by the P. O. on	26/02/16
Judgment uploaded on	29/02/16