

Order below Exh. 321 in Regular Civil Suit No. 34/1981.

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

2) The plaintiffs contended that defendant No.4B died on 11/01/2016 leaving behind the legal representatives. They filed the suit for the relief of declaration and injunction. Therefore, cause of action survives against the legal representatives of defendant No. 4B. Hence, the application be allowed.

3) The learned advocate S.M. Belgaonkar for the defendants submitted that necessary order be passed.

4) The perusal of death certificate of defendant No.4B vide Exh. 318 revealed that defendant No. 4B was died on 11/01/2016. The perusal of application revealed that except these legal representatives no other legal representative is left by defendant No. 4B.

5) This application is moved by the plaintiffs on 17/03/2016 i.e. within limitation of 90 days provided by Article 120 of the Indian Limitation Act.

6) As the cause of action survived against the legal representatives of defendant No. 4B, hence the application deserves to be allowed without imposing costs. Therefore, I proceed to pass following order.

Order

1. The application is allowed.

2. The plaintiffs are permitted to bring legal representatives of defendant No.4-B i. e. defendant No. 4-B-1 to 4-B-5 on record.

3. The plaintiffs are further directed to amend the cause title accordingly and file copy of amended plaint on or before next date.

4. Failure to comply above order on or before next date, application shall be deemed to be rejected.

Dated:- 31/03/2016.

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

C E R T I F I C A T E

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

Name of the Stenographer	Shri. V. L. Tadmok, L. G. Stenographer.
Name of Court	Shri. M.D. Thombare, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	31/03/16
Judgment/Order signed by the P. O. on	31/03/16
Judgment/Order uploaded on	31/03/16