

Order below Exh.286 in Regular Civil Suit No.34/1981.

This is an application moved by plaintiffs under Order 22 Rule 4 of the Code of Civil Procedure for bringing legal heirs of plaintiff no.1A on record.

2) Heard learned advocate Shri. S. S. Kot for the plaintiff. Perused the application.

3) The perusal of application and death certificate vide Exh.305/1 revealed that plaintiff no.1A Ramachandra Laxman Basalgekar alias Gavada was died on 27/06/2009. This application is filed on 10/09/2009. Hence, in view of Article 120 of the Limitation Act the application is very well within limitation.

4) The application is old one and filed in the year 2009 , but after perusing record of the case it appears that, order is not passed on the said application. The said fact noticed by the Ld.Advocate for the plaintiff. The suit is very old one filed by plaintiffs for the partition, declaration and injunction. Hence, right to be sued survived against legal heirs of plaintiff no.1A. Hence, the application deserves to be allowed. Hence, I proceed to pass the following order.

O R D E R

- 1) The application is allowed.
- 2) The plaintiff is permitted to bring on record legal heirs of plaintiff no.1A i.e. plaintiff no.1A(A) to (F).
- 3) The plaintiff is further directed to carry out necessary amendment in the clause title of the Plaint today itself.
- 4) Plaintiff is further directed to file copy of amended plaint on or before next date.

Sd/-

(D. M. Gaikwad)

Jt.Civil Judge, Jr. Dn., Chandgad.

Dated:- 22/11/2018.