

**ORDER BELOW EXH. 88 IN R.C.S. NO. 02/2005**

Kiran Gopal Gavade, etc. Vs. Gopal Rukmana Gavade, etc.

This is a suit for avoidance of sale deed and partition. By application filed at Exh. 88, the plaintiffs prayed to grant them permission to bring L.Rs. of deceased defendant No. 1. In the application it is contended that, defendant No. 1 died on 27/12/2018. That, as entry of death of defendant No. 1 was not made in the death register kept with the village panchayat, therefore, L.Rs. of deceased defendant No. 1 could not be brought on record within time. That, when plaintiff visited the village panchayat on 29/01/2019 and sought death certificate, then only he received the same. Further it is contended that, the deceased defendant No. 1 has left behind only heir namely Anil Gopal Gavade and except him none is legal heir of the deceased. According to the plaintiff, the application is filed within stipulated time for bringing L.Rs. on record. Thus, the plaintiffs sought permission to bring L.Rs. of deceased defendant No. 1 on record. Application is supported with affidavit of the plaintiff No. 1.

2. The application is strongly opposed and contested by the defendants by filing their say overleaf.

3. Heard, Shri. L.V. Bhatkande, the ld. Advocate for the plaintiffs and Shri. V.R. Patil, the ld. Advocate for the defendants.

4. It is a matter of record that, defendant No. 1 died on 27/12/2018. The application is silent as regards knowledge of death of defendant No. 1 to the plaintiffs. However, the plaintiffs themselves contended that, defendant No. 1 died on 27/12/2018. The application is filed on 08/03/2019. Thus, the application is filed well within limitation. As regards name of the proposed L.R. of deceased defendant No. 1, the defendant have no objection. Considering the nature of the suit presence of

L.R. of deceased defendant No. 1 is necessary. There would be no hardship to the defendants if the application is allowed. On the contrary, if the application is not allowed, there would be loss to the plaintiff. Thus, the application deserves to be allowed. Hence, following order.

ORDER

The application below Exh. 88 is allowed.

The plaintiff is permitted to bring L.R. of deceased defendant No. 1 on record whose name is mentioned in para No. 2 of the application.

The plaintiff to carry out necessary amendment in the plaint title within 14 days for passing of this order and also to file amended copy of the plaint along with copies thereof to supply them to all the defendants on record and also to file a copy of the amended plaint for preparation of decree.

Parties to note.

Date : 23.07.2019.

(Amrit C. Birajdar)
Civil Judge, Jr.Dn., Chandgad.

CERTIFICATE

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

Name of the Stenographer	Shri. V.G. Kamble, L. G. Stenographer.
Name of Court	Shri. A. C. Birajdar, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	23/07/2019
order signed by the P. O. on	23/07/2019
order uploaded on	24/07/2019