


MHKO140002322007 	R.C.S. No.34/2007 Appa Rama Kadalgekar Vs. Yalappa Subhana Kotekar
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ORDER BELOW EXHIBIT- 97

(Passed on - 27/02/2025)

1. The present application is filed by plaintiffs for bringing the legal representatives of the deceased plaintiff no.1 on record.
2. It is contended that, the present suit is filed for partition and separate possession. During pendency of suit, the plaintiff no.1 Appa Rama Kadalgekar is died on 01.07.2024. The legal representatives of deceased are- 1A. Shanta Appa Kadalgekar, 1B. Ramchandra Appa Kadalgekar (since deceased through Lrs.), 1B (i) Shila Ramchandra Kadalgekar, 1B (ii) Prajakta Ramchandra Kadalgekar, 1B (iii) Sayali Ramchandra Kadalgekar & 1C Sanjay Appa Kadalgekar. They are the only Lrs of the deceased. So, it is necessary bring the legal representatives of deceased. Hence, present application.
3. The ld. advocate for defendants filed say and opposed the application. It is submitted that, the application is not filed within limitation. Death certificate enclosed with the application shows that the deceased died on 01/02/2024. Present application is filed on 30/09/2024. The application is not filed within limitation. Hence, prayed to reject the application.
4. Perused the record. Read the application, and documents. Heard the learned advocate for the both side.

REASONS

5. The present application is supported by an affidavit. However, the defendant mainly raised objection as to limitation. According to plaintiff the deceased plaintiff no.1 on 01/07/2024. The plaintiff has filed death certificate which shows that, the plaintiff no.1 died on 01/03/2024. However, the death certificate is not readable. However, no clarification is given on the said point. On perusal it is seen that, the date of death is 01/03/2024. If it is so then it is clear that, the present application is not filed within limitation. There is no prayer to condonation of delay and setting aside abatement order. Clear and readable copy of death certificate is not enclosed with the application in spite of sufficient opportunity. Hence, I am of the view that the application is not filed within limitation and it is liable to be rejected. Thus I pass following order.

ORDER

1. The application is rejected.

Date-27/02/2025
Chandgad.

(Waman D Jadhav)
Jt. Civil Judge Junior Division, Chandgad.