

**ORDER BELOW EXH. 96 IN R.C.S. NO. 65/2006**

Sadashiv Yashvant Deshpande Vs. Vaman Bhagvant Deshpande,
etc..

This is a suit for partition and perpetual injunction. By application filed at Exh. 96, the plaintiff prayed to grant him permission to bring L.Rs. of deceased defendant No. 9. In the application it is contended that, defendant No. 9 Shri. Gopal Vamanrao Deshpande has died on 07/02/2021. Further it is contended that, the deceased defendant No. 9 has left behind Legal heirs namely, Smt. Aruna Gopal Deshpande, Ravindra Gopal Deshpande, Shridhar Gopal Deshpande and Nitin Gopal Deshpande 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. 9 on record. Application is supported with affidavit of the plaintiff Shri. Sadashiv Yashvant Deshpande.

2. The application is strongly opposed and contested by the defendants by filing their say overleaf. They submitted that, as per submission of the plaintiff, period of 90 days already expired means application is not in within limitation. Also, application is not supported with the application for condonation of delay and the application for setting aside the abatement. This application is not tenable. So, they prayed to reject the application with cost.

3. Heard, Shri. A.S. Kamble, the ld. Advocate for the plaintiff and Shri. V.G.Desai, the ld. Advocate for the defendants.

4. It is a matter of record that, defendant No. 9 died on 07/02/2021. This application is filed on 18/03/2021. Thus, the application is filed well within limitation. Considering the nature of the suit presence of

L.Rs. of deceased defendant No. 9 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. 96 is allowed.

The plaintiff is permitted to bring L.R. of deceased defendant No. 9 on record whose name is mentioned in para No. 1 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.

Sd/---

Date : 09.09.2021.

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