

MHKO160002142012



COMMON ORDER BELOW EXH. 56 AND 60

IN R.C.S.No.83/2012

1. Perused the applications at Exh.56 and Exh.60. It is seen that defendant No.20 Pandu Bhagoji Patil has died on 12/05/2021 at Pishavi, Tal. Shahuwadi. The delay of 71 days has been occurred to bring his legal heirs on record. Plaintiff stated that due to corona lockdown, unavailability of necessary documents, he could not bring the legal heirs on record of deceased defendant No.20 and the delay is caused. The delay is not intentional. The deceased defendant No.20 is survived two sons namely Balu Pandu Patil and Dattatraya Pandu Patil. They are legal heirs of the deceased defendant No.20. They are the necessary parties to this suit. Hence, defendant No.20 prayed to allow these applications

2. The defendants failed to file their say to these applications, hence, no say order is passed against them.

3. Heard learned advocate of the plaintiff, perused documents on record. It is seen defendant No.20 Pandu Bhagoji Patil has died on 12/05/2021 and the delay has been occurred to bring his legal heirs on record. The delay seems to be not intentional. The reasons mentioned in the applications of applicant are justifiable. Defendant failed to file their say to these applications, hence, no say order is passed against them. The deceased defendant No.20 is survived two

sons namely Balu Pandu Patil and Dattatraya Pandu Patil. They are legal heirs of the deceased defendant No.20. They are the necessary parties to this suit. No prejudice would cause to the other side if these applications are allowed. In one suit, all issues of both the parties needs to be decided. Therefore, to avoid multiplicity of proceeding and to decide the suit on merit, these applications need to be allowed in the interest of justice. Hence, following order.

**ORDER**

1. Applications at Exh.56 and Exh.60 are hereby allowed.
2. The delay is hereby condoned.
3. Legal-heirs of the deceased defendant No.20 Pandu Bhagoji Patil namely two sons- Balu Pandu Patil and Dattatraya Pandu Patil are permitted to be brought on record.
4. Plaintiff shall carry out the necessary amendment and file the amended copy till next date.

**Date:- 21/04/2023**

**Place:- Shahuwadi**

**( Amol Shriram Shinde )  
Civil Judge Junior Division,  
Malkapur – Shahuwadi,  
Dist. Kolhapur**