

MHKO160003292016



COMMON ORDER BELOW EXH. 26 and 30

IN R.C.S.95/2016

1. Perused the applications at Exh.26 and Exh.30 and say filed below it. It is seen that plaintiff No.2 Bhimrao Sambhaji Gaikwad has died on 01/07/2017 at Kapashi, Tal. Shahuwadi, Dist. Kolhapur. The delay of 04 years 01 month and 21 days has occurred to bring his legal heirs on record. The delay seems to be not intentional. Due to Covid 19 they could not approached to their learned advocate for taking necessary action. The deceased plaintiff No.2 is survived by a widow, a son and a daughter. They are legal heirs of the deceased plaintiff No.2. They are the necessary parties to this suit. Hence, they prayed to allow these applications

2. The defendants opposed the applications and argued that the facts stated in the said applications are false, bogus and prayed to reject the applications. They stated that plaintiffs have present on various occasions in the court, hence, the applications are required to be rejected. .

3. Heard learned advocates of both the parties, perused documents on record. It is seen that the delay seems to be not intentional. Due to Covid 19, plaintiffs could not approached their learned advocate for taking necessary action. The deceased plaintiff No.2 is survived by a widow, a son and a daughter. They are legal

heirs of the deceased plaintiff No.2. They are the necessary parties to this suit. No prejudice would cause to the other side if these both applications are allowed. In one suit, all the issues of both the parties needs to be decided. Therefore, these applications need to be allowed in the interest of justice to avoid multiplicity of proceeding and to decide the suit on merit. Hence, following order.

ORDER

1. Applications at Exh. 26 and 30 are hereby allowed.
2. The abatement order passed against the legal heirs of the deceased if any is hereby set-aside.
3. The delay is hereby condoned.
4. Legal-heirs of the deceased plaintiff No.2 Bhimrao Sambhaji Gaikwad namely – Smt. Indubai Sambhaji Gaikwad- Wife, Shri. Vilas Sambhaji Gaikwad- son and Sou. Vijaya Bhagwan Kamble- daughters are permitted to be brought on record.
5. The legal heirs of the deceased plaintiff No.2 shall carry out the necessary amendment and file the amended copy till next date.
6. The legal heirs of the deceased plaintiff No.2 shall pay Cost of Rs.500/- to the other side till next date.

Date:- 02/09/2022
Place:- Shahuwadi

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