


<p>MHKO200002902022</p> 	<p><b><u>R.C.S.No.72/2022 ORDER PASSED</u></b> <b><u>BELOW EXH.24</u></b></p> <p><b><u>Hari Daji Khot Vs. Sadashiv Laxman Khot &amp;</u></b> <b><u>Ors.</u></b></p>
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This is an application preferred by the plaintiffs under Order XXII, Rule 4 of the Code of Civil Procedure, 1908, seeking to bring the legal representatives of the deceased plaintiff No.2 on record of the suit.

**02.** It is the submission of the plaintiffs that the plaintiff No. 2, namely Mr. Nana Shankar Khoat, died on 20.08.2023. He has left behind his wife Smt. Balkubai Nana Khot and two sons namely Akash Nana Khot and Shrikant Nana Khot, as his legal heirs. They also submitted that despite of his death, the right to sue still continues to survive. The suit is for partition and injunction. Therefore, they prayed that it is necessary to bring them on record.

**03.** The defendant Nos. 1 to 3 failed to file their say on this application hence 'No say' order was passed against them. The defendant No.4 has filed his say on the overleaf of this application. She contented that the contents of the present application are false. There is a deliberate delay in bringing legal heirs of deceased plaintiff No.2 on record. So she prayed to reject the present application.

**04.** Heard the learned Advocate for the plaintiffs and learned Advocate of defendant No.4. Perused the record and the application. The plaintiffs have also produced the death certificate of the plaintiff No. 2 on Exh.27. Upon perusal of the death certificate, it is seen that he died on 20.08.2023. The suit is for partition and injunction. The deceased plaintiff No. 2 is survived by wife and two sons. They

are the only legal heirs of the deceased plaintiff No. 2. Therefore, it appears that right to sue continues to survive.

05. The present application is objected on the ground that there is a deliberate delay in bringing legal heirs of plaintiff No.2 on record of suit. The application to bring the legal representatives of the deceased plaintiff No. 2 on record of the suit is made within the limitation period of 90 days as is prescribed by Article 120 of the Limitation Act, 1963, from the date of death of the deceased plaintiff No.2. Therefore, this Court finds it proper to allow the present application. Now, I proceed to pass the following order :-

**ORDER**

1. The application at Exh. 24 is allowed.
2. The plaintiffs are allowed to bring the legal representatives of the plaintiff No. 2 on record of the suit within 14 days from the date of this order.
3. Costs in main cause.

Kale-Kheriwade.  
Date-19.12.2024.

(H.M.Patel)  
Ext.Jt.Civil Judge Jr. Dn.  
Kale-Kheriwade.