



Order Passed below Exh.107 in R.C.S.No.188/2017

01. This is suit for partition and injunction.

02. Present application is made for bringing legal representatives of deceased defendant No.3 Balwant Dhondi Desai on record. It is contended that the defendant No.3 namely Balwant Dhondi Desai has died on 04-04-2020. However, the plaintiff recently came to know about death of defendant No.3 and she applied for obtaining death certificate. She received death certificate copy on 29-10-2020. Likewise, due to pandemic situation, lock down was declared in whole nation. Therefore, legal representatives of deceased defendant No.3 could not be brought on record within limitation. Ultimately, it is prayed that legal representatives of deceased defendant No.3 may be allowed to bring on record.

03. The defendants have filed their say on overleaf of the application and contended that limitation for bringing legal representatives of deceased defendant No.3 is already over. As such, suit is abated against defendant No.3. The reason mentioned for condonation of delay, is not satisfactory. For making present application 55 days delay is caused. Therefore, this application may be rejected. Alternatively, it is prayed that, if application is allowed, Rs.3000/- costs may be imposed.

04. Heard both sides. Perused record it appears that defendant No.3 Balwant Dhondi Desai is died on 04-04-2020. His death certificate is produced on record. The suit is instituted for partition. The delay in bringing legal representatives of deceased defendant No.3 on record is condoned vide order below Exh.105 and abatement is set aside vide order below Exh.106. Considering nature of suit i.e. partition it is necessary to bring legal representatives of deceased defendant No.3 on record. Hence, following order.

Order.

1. Application is allowed without cost.
2. The legal representatives of deceased defendant No.3 be brought on record within 14 days from today.
3. Amend to that extent be carried out.

Kale-Kheriwade.

Dated-09-06-2022

(N.K.Nagargoje)

Civil Judge Jr. Dn., Kale-Kheriwade.