

ORDER BELOW EXH. 212.

01. Read application and say filed thereon. Heard both the parties. The present application is filed by the plaintiffs to brought on record the legal heirs of deceased defendant No.1. Defendants opposed the application contending that defendant No.1 died when the appeal was pending. Even after remand of the matter the plaintiffs have not taken proper steps within time. Cause of delay is not explained. Hence, prayed to reject the application.

02. Heard the parties. It appears that against the judgment and decree passed in this suit, the defendants preferred appeal before the Hon'ble District Court. The L.Rs. were brought on record in that matter. The Hon'ble District Court remanded the matter to decide the matter afresh. Thereafter, the notices were issued to the parties and after appearance, the plaintiffs filed this application. In this situation though there is delay in filing the application but considering the above things, it is necessary to grant permission to the plaintiffs to brought on record legal heirs of deceased defendant No.1. Moreover, it appears that the plaintiffs filed the Second Appeal before the Hon'ble High Court in which the L.Rs. of defendant No.1 are mentioned. Therefore, the application deserves to be allowed. For the delay on the part of plaintiffs, the defendants can be awarded with costs. Hence, I pass the following order,

ORDER

1. Application is allowed subject to costs of Rs.500/-.
2. The plaintiffs shall pay the costs and carry out the amendment and file the amended plaint for the Court and copies thereof for the defendants.
3. Concerned clerks to take note in concerned register and C.I.S.

Sd/-
(R.P. Kulkarni)
Civil Judge Senior Division,
Nilanga.

Date : 14.03.2019.