

ORDER BELOW EXH. 37
CNR No.MHLA150004342016

Heard Shri N.B. Badde learned advocate for the applicant and Shri S.D. Shivpurkar learned advocate for the non-applicants. Applicant namely Baburao Amrata Gurav is reported to have died on dated 29/03/2019. His death certificate is at Exh.40. The application Exh.1 is for restoration of suit by setting aside the dismissal order dated 04/05/2016 in RCS No.181/13 Baburao Vs. Bhagwan and others. The deceased applicant is survived by widow, three sons and one daughter. They are the legal representatives of the deceased applicant. The right to sue therefore survives. The application to bring the legal representatives of the deceased applicant on record. This application is not made out within limitation period of 90 days as is prescribed by Article-120 of the Limitation Act, 1963 from the date of death of the deceased applicant. Therefore, in the interest of justice I pass the following order.

Order

1. The application is allowed to bring the L.R.'s of deceased applicant on record of the suit till next date from the date of this order, but subject to cost of Rs.400/- to other side.

Date- 20-09-2019

(A.S. Alewar)
C.J.J.D., Chakur.