

MHNG130009272021



R.C.S. No. 35/2021  
Kaushallyabai Vs. Saraswati

**Order below Exh. 30**  
(Passed on dated 15/01/2025)

The present application is filed by on the behalf of legal heirs of plaintiff. The present suit is filed by plaintiff for partition and separate possession. During pendency of this suit, the plaintiff namely Kaushallyabai Kamlakar Kumbhalkar died on 21/04/2024. The legal heirs of plaintiff wants to substitute/added as a party in suit in place of plaintiff as plaintiff no. 1-a, 1-b, 1-c. The defendant by filing say strongly opposed to this application. Heard S.S. Khandelwal for plaintiff and M.V. Yerpude. In my view, all these parties mentioned in application are necessary of adjudication of matter. If the legal heirs of plaintiff taken on record there is no prejudice would be caused to the defendants. Hence, application allowed and permission granted to substitute the parties as per application in the place of deceased the plaintiff. The amendment carried out within limitation.

Ramtek  
Date :- 15/01/2025.

**(H. S. Satpute)**  
Jt. Civil Judge Junior Division,  
Ramtek.

MHNG130009272021



R.C.S. No. 35/2021  
Kaushallyabai Vs. Saraswati

**Order below Exh. 33**  
(Passed on dated 15/01/2025)

The present application is filed by on the behalf of legal heirs of plaintiff. The present suit is filed by plaintiff for partition and separate possession. During pendency of this suit, the plaintiff namely Kaushallyabai Kamlakar Kumbhalkar died on 21/04/2024. The present application on 14/08/2024. The legal heirs of plaintiff wants to substitute/added as a party in suit in place of plaintiff as plaintiff no. 1-a, 1-b, 1-c. Hence, prayed for condonation of delay in the interest of justice. The defendant by filing say strongly opposed to this application. Heard S. S. Khandelwal for plaintiff and M. V. Yerpude. In my view, the reason mentioned for delay is just and reasonable. The legal heirs of plaintiff here not aware of the procedure to be followed after the death of party. No prejudice would be caused to the defendants if the plaintiff gets an opportunity. Hence, considering the facts of case the condonation application allowed subject to cost of Rs. 250/- payable to defendants.

Ramtek  
Date :- 15/01/2025.

**(H. S. Satpute)**  
Jt. Civil Judge Junior Division,  
Ramtek.