

RCS No. 31/2020

Navsobai & oth. Vs. Maniklal and oth.

ORDER BELOW EXH. 18

This is an application filed by plaintiffs for bringing legal representative of deceased defendant No. 2 on record. Defendants have contested the claim by filing their say below the same application.

2. Heard learned advocate for both the parties. Perused record alongwith say of defendants.

3. Learned advocate for plaintiffs has submitted that they have filing present suit for declaration, partition and separate possession. During the pendency of suit defendant No. 2 namely Zanaklal Surajlal Warkade died on 02/04/2021. Leaving behind wife, daughter and two son. It is necessary to bring them on record to proceed with this suit. Hence, application be allowed.

4. Learned advocate for defendants has submitted that this application is filed after laps of period. Hence, it is not maintainable. Therefore, it be rejected.

5. After considering the submission and on perusal of record it appears that present suit was filed by plaintiff for declaration, partition and separate possession. Meanwhile during the pendency of suit defendant No. 2 died on 02/04/2021. This application is filed after laps of prescribed limitation period. The delay in filing this application is condone. Considering nature of suit it is necessary to have all concern parties on record who have interest in the suit property. It is also necessary for the adjudication of this suit on merit. Therefore, in the interest of justice I proceed to pass following order :

ORDER

1. The application is allowed.

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2. The plaintiffs are directed to bring on record legal representative of deceased defendant No. 2.
3. Concern clerk is directed to take necessary entry in the suit register accordingly.

Sd/-

Dated 27/10/2021

(Smt. V. P. Dhurve)
Civil Judge, Jr. Dn. Ramtek.