

ORDER BELOW EXH. 18

This is an application filed by applicants for bringing legal representative of deceased plaintiff 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 along with say of defendants.

3. Learned advocate for applicants has submitted that plaintiffs have filed this suit for declaration, partition and separate possession. Plaintiff No.2 namely Zanaklal Surajlal Warkade died on 02/04/2021 during the pendency of this suit leaving behind him his legal heirs i.e. wife, daughter and two sons. It is necessary to bring them on record to proceed with this suit. As they have interest with the suit property. Hence, this application be allowed.

4. Learned advocate for defendants has submitted that, this application filed by legal heirs of deceased plaintiff No. 2 is not tenable as it is barred by limitation. No steps by taken by the applicant. Law itself is clear within 90 days legal heirs of any deceased has to be taken on record but they failed to do so. Hence, this application liable to 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 plaintiff 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

RCS No. 39/2019

Maniklal & oth. Vs. Shalikram and oth.

proceed to pass following order :

ORDER

1. The application is allowed.
2. The plaintiffs are directed to bring on record legal representative of deceased plaintiff No. 2 till next date.
3. Concern clerk is directed to take necessary entry in the suit register accordingly.

Dated 27/10/2021

Sd/-

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