

**MHNG130015242020****R.C.S. No. 49/2020***Munnalal Prayag Lilhare & others.*

v.

*Malanbai Baliram Biranwar & others.***ORDER BELOW EXH. 26**

(Passed on dated 07/10/2025)

The plaintiff No.1 has filed present application for bringing legal representatives of Defendant no.7 on record under Order 22 Rule 4 of Code of Civil Procedure. On the said application, the say of other side was called.

2. It is submitted by the plaintiff No.1 that the during the pendency of suit, defendant no.7 Parvatbai w/o Fekan Nagpure died on 09.01.2022. It is further submitted that, the plaintiff no.1 went to the house of Bhagwan Fekan Nagpure at Salai in the month of February 2023, at that time he came to the knowledge that defendant no.7 has died. Hence, the delay caused in filing the application for bringing legal representatives of defendant no.7 on record is not deliberate and intentional. Hence, he prayed to allow the application.

3. Defendants have strongly objected the application by stating that, the plaintiff No.1 has not filed the application within limitation and reason mentioned in it is not reasonable. Hence, prayed for rejection of application.

4. The defendant no.7 has died on 09.01.2022. The present application is filed on 08/08/2024. The delay caused by the plaintiff for moving this application is condoned by passing an order below Exh.24.

The order of abatement is also set aside by passing an order below Exh.25. In view of order passed below Exh.24 & 25, the period of 90 days as prescribed by Article 120 of Limitation Act is extended.

5. The present suit is for the declaration, partition, separate possession and permanent injunction. The deceased defendant no.7 is survived by the legal representatives mentioned in the present application. Therefore, right to sue survives. Hence, the present application deserves to be allowed. Accordingly, I proceed to pass the following order:-

**ORDER**

1. Application Exh. 26 is allowed.
2. The plaintiff no. 1 is permitted to bring the legal representatives of deceased defendant no. 7 on record.
3. The plaintiff to carry out necessary amendment within 14 days from the date of this order.

Date: 07/10/2025

Sd/-  
(D. C. Vorani)  
Joint Civil Judge Junior Division,  
Court No. 2, Ramtek.