

ORDER BELOW EXH.113, 115 & 117 IN R.C.S.No.181/2012
(CNR-MHNS160005802012)

Perused the applications filed on behalf of plaintiff seeking liberty to bring on record legal representatives of plaintiff No.1 namely Waman Pavji Yashwante along with delay and abatement setting aside application. Heard for both side. Said plaintiff is reported to have died on 19.12.2019. Suit is for the relief of partition, separate possession and declaration. Said deceased plaintiff is survived by his son, daughters and wife legal heirs. Applications are supported with affidavits. They seems to be legal heirs of deceased plaintiff. Therefore, right to sue survives. Death of certificate of deceased is filed on record. This application is not made within prescribed limitation of 90 days from the date of death of said deceased in view of Article 120 of Limitation Act, 1963. The reasons for delay considering COVID situation are genuine. Hence, I proceed to pass following order:

:: ORDER ::

1. Applications at Exhs.113, 115 & 117 are hereby allowed .
2. It is permitted to bring on record of the suit proposed legal heirs of deceased Plaintiff No.01 Waman Pavji Yashwante within 14 days from the date of this order.
3. Order of Abatement is formal and set-aside in the interest of justice.
4. Delay to bring Legal Heirs of deceased is condoned in the interest of justice.

Date : 01.07.2022.
Place : Chandwad.

(Sunil B. Mane)
Jt. Civil Judge (J.D),
Chandwad.