



ORDER BELOW EXH.46

The present application is moved by plaintiff for addition of legal representatives of defendant No.8 for taking them on record.

02 I have perused the application and heard Ld. Advocate for plaintiffs. He submitted that defendant No.8 died and said fact came to the knowledge of plaintiffs as per reports of summons. Hence, said application is moved for addition of legal representatives of defendant No.8 on record.

03 The defendants filed their say on overleaf of the application and submitted that necessary order be passed by the court.

04 It appears from the record that the present suit is filed for partition, possession, declaration and perpetual injunction. Sufficient opportunities are required to be given to both the parties for defending their claims. The abatement against defendant No.8 is set aside and delay for taking legal representatives on record is condoned vide order dated 17/02/2023. The legal representatives of defendant No.8 are required to be added as parties for effective adjudication of matter in dispute. Though there is considerable delay in moving present application, it seems to be not intentional. Hence, it is just and proper to allow the plaintiff to add legal representatives of defendant No.8 on record. Accordingly, I pass following order :

ORDER

- 1) Application at Exh.46 is allowed in the interest of justice.

- 2) The plaintiffs are directed to add legal representatives of defendant No.8 on record and carry out necessary amendment in the said suit on or before next date.

Date: 23/06/2023

(S. G. Kuvalekar)
2nd Jt. Civil Judge, Jr. Division
Igatpuri.