

ORDER BELOW EXHIBIT – 34 in RCS No. 29/2014

(Order passed on the 09th day of October 2017)

Perused the application filed at Exh. 34. The plaintiff has filed the present application for bringing the remaining LR's of deceased defendant. In support of this application plaintiff No. 1 has filed affidavit at Exh. 35

2. It reveals from death certificate filed along-with list at Exh. 40 that defendant Revaji Ukha Surwanshi has died on 02.11.2015. The present suit is for declaration and recovery of possession of the suit property. Therefore, right to sue survive against the LR's of deceased defendant.

3. The plaintiff has filed present application and stated that plaintiff has already taken defendant 1-A to 1-C as LR's of original defendant. After that plaintiff came to know that deceased defendant have four daughters namely Sumanbai Nimba Deore, Yamunabai (Sandhya) Ramdas Aher, Latabai Nimba Aher and Alkabai Doulatrao Aher.

4. Plaintiff further submitted that he came to know this fact on 29.08.2016, accordingly plaintiff immediately filed the present application on 08.09.2016 and prayed that to bring the remaining LR's of deceased defendant on record.

5. Defendant no. 1-A to 1-C contested the application mainly on the ground that application is not legal and tenable in the eyes of law. Present application is not filed within limitation. Hence, prayed for dismissal of the application.

6. I heard the argument of both the Ld. Advocates. I have gone through the application and say filed on it. Prima-facie it seems that applicant filed this application within the limitation of 90 days from the date of their knowledge. Hence, it would not proper to reject this application without any appropriate and valid reason. There is no prejudice would cause to allowed this application and bringing the remaining LR's on record. Hence, I pass the following order.

ORDER

1. The application is allowed.
2. Plaintiff is permitted to bring the remaining LR's of the deceased defendant on record within 14 days from the date of this order.
3. The plaintiff also directed to furnish amended copies of the plaint and process fees for issuance of summons to the LR's on next date positively.

Place : Satana
Date : 09.10.2017

Sd/-
(Vikram A. Avhad)
Jt. Civil Judge, J.D. Satana
Dist. Nashik