

ORDER BELOW EXHIBIT 115 in RCS 210/1997

Heard Ld. Advocates for both sides. Perused record. Present application is preferred by the Plaintiff for taking the legal representatives on record of deceased Defendant No.1. Say is given by Ld. Advocate for the Defendants, and the present Application is vehemently opposed.

2. It also appears that, Ld. Predecessor had ordered that, notice be issued to the proposed legal representatives. However, it appears that, considering that date of death and the date of the present application, the present application is covered under the Order dated 10/01/2022 of the Hon'ble Supreme Court in *Re: Cognizance for extension of limitation*, wherein the Hon'ble Supreme Court was pleased to extend limitation period from 15/03/2020 till 28/02/2022. Considering the nature of the suit, it appears that the right to sue does not survive only at the behest of the remaining parties.

3. In these circumstances,

ORDER

- 1] Application is allowed in view of directions of Hon'ble Supreme Court *vide* Order dated 10/01/2022 in *Re: Cognizance for extension of limitation* read with Order 6 Rule 17, Order 22 Rule 4 of the Code of Civil Procedure.
- 2] Earlier order regarding issuance of notice to the legal representatives is recalled *vide* Section 152 of the Code of Civil Procedure.

- 3] Costs in cause.
- 4] Application is accordingly disposed off.

Sd/-

Date:- 29/08/2024
Place:- Tuljapur

(Smt. P.S.G. Chalkar)
Jt. Civil Judge Junior Division,
Tuljapur, Dist.: Osmanabad.

(J)