

ORDER BELOW EXH. 63 IN REGULAR CIVIL SUIT NO.45/2010

The application vide Exh. 63 moved by plaintiffs for condonation of delay for bringing legal heirs of plaintiff No. 1 on record.

2) Heard learned advocate Shri. B.B.Sathe for the plaintiffs and learned advocate Shri. R.J.Andhare for the defendant. Perused the applications and say.

3) The perusal of application and death certificate vide Exh. 68 revealed that plaintiff No. 1 Nilesh was died on 30.04.2017. The perusal of plaint revealed that plaintiffs instituted suit for the relief of recovery of possession of suit property. As the application vide Exh. 65 revealed that proposed heirs are the only legal heirs of plaintiff No.1. Hence, considering nature of suit right to sue survives to the plaintiffs against the legal heirs of plaintiff No.1. Hence, I hold that the application deserves to be allowed subject to costs. Hence, I proceed to pass the following order.

ORDER

- 1) The application is allowed subject to payment of costs of Rs.100/- (Rupees one hundred only) pay to the defendant on or before next date.
- 2) Failure to comply above order on or before next date, the applications will be deemed to be rejected.

Dated:- 20/11/2018.

(M. D. Thombare)
Jt. Civil Judge, Jr. Dn., Kallam