

Sadanand Dume Vs. Laxman Dume & Ors.

ORDER BELOW EXH.34.

The present application has been filed by the plaintiff by which it is submitted that, the plaintiff died on 18.03.2023 and hence his legal heirs are necessary to be taken on record. The names of the legal heirs are mentioned in the application. For the aforesaid reasons it is prayed that, the application be allowed.

02. The application was strongly resisted by the defendants by filling their say on the overleaf of the application. It is submitted that, the application is not filed within limitation and therefore, they prayed that, the said application be rejected.

03. Perused the application and say. Heard both sides. The present application has been filed on 17.10.2023 and as per the Ld. Advocate of the plaintiff, the plaintiff has died on 18.03.2023. According to the provision of law, the suit has been already abated as the Ld. Advocate of the plaintiff failed to take legal representative of deceased plaintiff on record within limitation. Hence, unless and until the delay for filling the present application is condoned & the further abatement of the suit is set-aside the present application for taking the legal representative on record cannot be decided. Hence, I proceed to pass following order.

ORDER

01. The application (Exh.34) is hereby rejected.

02. The parties to take note of this order.

Date : 23.10.2024

(Mandar M. Raut)
Civil Judge Junior Division,
Sailu Dist. Parbhani.