



ORDER BELOW EXH.69

1. This application is filed by plaintiff for deleting the name of defendant no.1 from the plaint who died on 23/02/2020. It is alleged in this application that the heirs of deceased defendant no.1 are already on record and hence the application may be allowed. This application is supported by affidavit below Exh.70. The defendant submitted their say and objected this application on the ground that defendant no.1 expired on 23/02/2020 and this application is filed on 09/03/2022 and hence it may be rejected being out of limitation. I heard counsels of both the sides.

2. This is a suit for partition etc.. Therefore, considering the nature of litigation I am of the considered view that if this application is allowed then there would be no prejudice to the defendants. Therefore, I think there is no question of limitation as according to plaintiff the heirs of defendant no.1 are already on record. Hence, in the interest of justice I pass following order:

ORDER

1. Application Exh.69 is hereby allowed.
2. Name of defendant no.1 from plaint be rounded off.
3. No order as to cost.

Dt.15/07/2022

(Md. Taher Bilal)
Civil Judge J.D., Saswad.



CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word for word as per original Judgment.

Name of Steno: Smt. S. S. Gupte, Stenographer, (Grade III)

Court Name : Shri. Md. Taher Bilal
Civil Judge Jr. Division, Saswad.

Date of Order : 15/07/2022

Judgment signed by presiding officer on : 15/07/2022

Judgment uploaded on : 16/07/2022