

Order below Exh. 70 in R.C.S no. 108 of 2017

The present application is filed by the plaintiffs to bring the legal representatives of defendant No.9 on record.

2. The plaintiffs contended that on 23/01/2022, defendant No.9 passed away. defendant No.9 has two legal representatives. Hence prayed to allow the application.

3. Defendants resisted the application contending that plaintiffs have not given the application within stipulated time.

4. From the perusal of the record, it is apparent that defendant No.9 is no more. Abatement against defendant No.9 is set aside and delay in taking legal representative on record is condoned. Under such circumstances, having regard to Order 22 Rule 3 of The Code of Civil Procedure, 1908, legal representatives of deceased is necessary to be brought on record for effectual adjudication of the matter. Having regard to Order 6 Rule 17 of The Code of Civil Procedure, 1908, consequent amendment in plaint is necessary.

Accordingly, the following order is passed :

ORDER

1. The application (Exh. 70) is hereby allowed.
2. Plaintiffs are permitted to bring the legal representatives of defendant No.9 on record.
3. Plaintiffs will make the necessary amendment in the plaint accordingly.
4. The compliance of above order is to be done within the period of 14 days. The effect of making L.R. of defendant No.9 parties to the suit starts from date of filling amended copy on the record.

Pen
Date: 01.10.2022

(Pritesh Deshpande)
Jt. Civil Judge (J.D),Pen