



Smt. Shabira Lambate & ors.  
Vs.  
Shri. Yunus Bedekar & ors.

**ORDER PASSED BELOW EXHIBIT NO.33**  
**IN REG. CIVIL SUIT NO.69/2018**

The plaintiffs have filed instant application under Order XXII, Rule 4 of the Code of Civil Procedure, 1908 for bringing legal representatives of the deceased defendant no.7 on record.

**02.** By this application, the plaintiffs have contended that, defendant no.7 died on 28/11/2019 and there are no other legal representatives of deceased defendant no.7 except those are mentioned in instant application. This application is supported by an affidavit.

**03.** The defendants objected instant application by filing say. According to them, application is not maintainable as relations of legal heirs are not mentioned in application. Hence, they prayed to reject the application.

**04.** I have heard Ld. Advocates for both the parties at length.

**05.** In view of article 120 of Limitation Act the application for bringing legal representatives of deceased defendant ought to have filed within 90 days from the date of death of deceased plaintiff or defendant. In instant matter death extract of defendant no.7 shows that, she died on 28/11/2019 and instant application is moved on 28/01/2020 within the period of limitation. The defendants nowhere denied that, the legal representatives mentioned in application

are not representatives of deceased defendant no.7. The objection raised by defendant is not sustained. Therefore, there is no hurdle to allow the instant application. Hence, I proceed to pass following order.

**-: ORDER :-**

1. Application (Exhibit No.33) is allowed and plaintiffs are permitted to bring the legal representatives of deceased defendant No.7 on record.
2. The plaintiffs shall carry out the necessary amendment in plaint on or before next date and shall supply the amended copy of plaint.

(Dictated and pronounced in open Court.)

Date:- 06/01/2021  
Khalapur.

**(Shri.P.M.Mane)**  
Jt. Civil Judge, Junior Division,  
Khalapur.