

COMMON ORDER BELOW EXH.70, 72 & 74

01) Plaintiffs have filed present three separate applications to add legal representatives of deceased Defendant no.2 in the plaint by condoning delay in taking necessary steps and by setting aside abatement order passed against them. They submitted that due to old age of the plaintiffs they could not take proper steps within time. They also submitted that for proper adjudication of the suit, legal representatives of deceased defendant no.2 must be added in the suit. Hence plaintiffs prayed to allow all three applications.

02) Defendants have filed their say overleaf the applications and opposed them.

03) As per Order 22 Rule 3 of the Code of Civil Procedure 1908 read with Article 120 of the Limitation Act 1963, period of 90 days is provided for applications to substitute the legal representatives of deceased party. On 23.06.2025 learned Advocate of defendants filed pursis at Exh.69 informing about death of the defendant no.2 on 28.08.2024. After informing by learned Advocate of defendants, plaintiffs filed present applications on next date i.e on 06.08.2025. After getting knowlege about death of the defendnt no.2 Plaintiffs filed applications on next date, therefore it cannot be said that delay has caused due to their default. Learend advocate of the defendant informed belatedly. Further, as the present suit is filed in regard to immoveable property, legal representatives of deceased defendant no.2 should be added in the suit for proper adjudication of the suit and for avoiding multiplicity of litigation. Hence following order is passed.

ORDER

1. Application at Exh.70, 72 & 74 are allowed.

2. Plaintiffs shall amend the plaint accordingly by adding name of legal representative of deceased defendant no.2 within 14 days from today and provide amended copy forthwith.
3. Issue summon to new defendants and for that purpose plaintiffs shall provide duplicate copies of plaint.
4. Defendants to note of this order.

Date :- 18.09.2025.

Place :- Roha

(S.V.Khaire)
Civil Judge, J.D. Roha.