

ORDER BELOW EXH.81.

The defendant no.2/1 & 2/4 have filed present application for permission to adopt written statement filed by the deceased defendant no.2 beyond limitation period. They submitted that out of them the defendant no.2/1 resides in Mumbai and as he was ill the defendant no.2/4 was also busy in his caring and therefore both they could not file their written statement within time. They also submitted that along with the present application they have filed pursis for adopting written statement filed by deceased defendant no.2. They also submitted that for proper adjudication of the case they should be given chance to file their adoption pursis. Hence, they prayed to grant application.

2. Plaintiffs opposed to present application by filing their say overleaf the application. They objected to grant application.

3. Perused the record. Heard Ld. Advocates of respective parties. The defendant no.2/1 & 2/4 are added in the suit instead of deceased defendant no.2 on 18.09.2025, they have appeared on 19.12.2025. Present application is filed on 09.03.2026. Though they are added as new party, as per section 21(2) of the Limitation Act 1963, they are not treated as new parties for limitation purpose. Their status is that of a continuation of the deceased party's interest so that defendants are supposed to file their adoption pursis at the most on next date of their appearance. Their reason is also not sufficient, however, still, I am of view that they should be allowed to adopt written statement filed by deceased defendant no.2 for proper adjudication of the case and also for avoiding multiplicity of

proceeding, however at the same time their default cannot be overlooked. Hence following order is passed.

ORDER

1. Application is allowed subject to cost of Rs.200/- to be paid to plaintiffs.
2. After payment of cost their adoption pursis shall be taken on record.
3. Plaintiffs shall note of this order.

Date :- 09.03.2026.

Place :- Roha.

(S.V.Khaire)

Civil Judge, J.D. Roha.