

**COMMON ORDER BELOW EXH. 132 & 134**

The plaintiff has filed these two separate applications, out of which application at Exh.132 is filed for condonation of delay which caused in taking necessary step to delete the name of deceased defendant no.3 since she has no legal representatives and application at Exh.134 is filed for amending the plaint accordingly.

2. The plaintiff submitted that the deceased defendant no.3 namely Kamala Dhondu Bhand is died on 09.09.2025, however as he could not gather information about her legal representatives within time he failed to take proper step within time. He also submitted that his act is not deliberate and by condoning delay he should be given chance to amend the plaint for deletion of name of deceased defendant no.3.

3. The defendant no.20 filed his say overleaf the applications and opposed to present applications. He contended that reason provided for delay condonation is not sufficeint. Hence he prayed to reject both applications.

4. 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. As the deceased defendant no.3 has no living heirs, question of her substitution does nto arise, however she is died on 09.09.2025 and present applications are filed on 16.02.2026 after more than five months. Further, reason provided by the plaintiff can also not be sustained for period more than 5 months. However, as the suit is filed in regard to immovable property, for drawing proper decree in the event of succeeding the suit by plaintiff name of deceased defendant

no.3 should be deleted. Therefore, I am of view that both applications should be allowed liberally. Hence following order is passed.

**ORDER**

1. Application at Exh.132 & 134 are allowed.
2. The plaintiff shall amend the plaint accordingly within 14 days from today by deleting name of deceased defenant no.3 and provide amended copy forthwith.
3. Defendants to note of this order.

Date :- 21.04.2026.

( S.V.Khaire )

Place :- Roha

Civil Judge Junior Division

Roha