

Order below Exh. no. 19 in R.C.S. no. 44 of 2017

This is an application to condone the delay in bringing the legal representatives of the defendant no. 1 and to take the said legal representatives on record.

2. The plaintiff contended that the plaintiff came to know about the death of the defendant no. 1 Mandi alias Droupadi Shripat Salekar when she was summoned. She has four legal representatives.

Hence prayed to allow the application.

3. The defendants filed their say contending that the application filed only to delay the proceedings. The plaintiff was well aware of the said fact during the institution of suit. Allowing the application would change the nature of the suit.

Hence prayed to dismiss the application.

4. Perused the application and say.

5. From the perusal of the record, it is apparent that the defendant no. 1 died on 22.06.2015. The plaintiff came to know about it when she was summoned. Her legal representatives are necessary to bring on record for proper adjudication of the suit. However the hardship suffered by the defendants can be compensated by imposing costs on the plaintiff.

Accordingly, the following order is passed:

ORDER

1) The application (Exh. 19) is hereby allowed.

- 2) The plaintiff is permitted to bring the legal representatives of the defendant no. 1 on record.
- 3) The plaintiff to pay costs of Rs. 2,000/- (Rs. Two thousand only) to the defendants in toto on or before next date.
- 4) The necessary amendment in the plaint be made accordingly.

Mahad
Date: 11.10.2017

(J.T. Koregaonkar)
Civil Judge (J.D.), Mahad