

R.C.S.No.13/2016
(Kashinath Vs. Vitthal)

Order Below Exh.94
(CNR No. MHRT070001282016)
(Passed On 10th October, 2022)

1] This is an application by plaintiff for bringing L.R's of deceased defendant no.3 on record.

2] Perused the application and say. Heard both the Ld. Advocates at length. Perused the record. It appears that, the suit is for partition and injunction. As per the plaintiff's contention during the pendency of suit on the defendant no.3 was died. He placed his death certificate on record. An affidavit filed in support of it. Same is not countered by any counter affidavit. Hence, there is no reason to disbelieve the same. The delay condonation was granted vide Exh.90 and abatement was set aside vide Exh.92. Considering the nature of the suit, it is necessary to bring the L.R's of deceased defendant no.3 on record under Order 22 Rule 4 of C.P.C. It is settled principle of law that, the application for bringing L.R's on record should be liberally construed. Hence, the following order-

ORDER

- 1) The application Exh.94 is allowed.
- 2) The plaintiff is permitted and directed to carry out proposed amendment the bringing L.R's of deceased defendant no.3 on record subject to compliance of Order below Exh.90.

...2...

- 3) After amendment, the plaintiff to file the amended plaint and its copies for supplying it to the defendants.

Date : 10/10/2022

(P. R. Kulkarni)
Jt. Civil Judge Jr.Dn., Chiplun