

**Order below Exh. 95 and 97 in R.C.S No.17/2017**  
**(CNR No.MHRT080002482019)**

- 1) This is an application filed for permission to bring legal representatives of deceased defendant no. 23 on record and to carry out amendment.
- 2) It is submitted vide this application that, on 5/8/2019 defendant no.23 is died therefore defendant no. 23A and 23B are legal heirs of deceased defendant no. 23. The present suit is for partition therefore, abatement needs to be set aside to decide suit on merit. Hence, plaintiff prayed for allow this application.
- 3) Defendants have resisted this application by filing their say and submitted that, necessary order may be passed.
- 4) Heard the Learned advocate for plaintiff. Perused the application & record. The death extract is on record at Exh. 94/1. It is revealed from the said record that Amol Anant Shinde is died on 5/8/2019 and application is filed on 27/9/2019 i.e within 90 days from the date of death of defendant no.23. Considering the period, it seems that the present application for bringing legal representatives on record is well within limitation.
- 5) In order to enable the court to effectively and completely adjudicate upon and settled all the questions involved in the suit, it is necessary to allow the application to bring on record the legal representatives of deceased defendant no.23. There are no other heirs except those named in the application. Therefore, it is necessary to allow the application in the interest of justice. Hence, I pass following order :-

**ORDER**

- 1) Application at exh. 95 and 97 are allowed.
- 2) The plaintiff is allowed to bring the legal representatives of deceased defendant no.23 on record of this suit on or before next date.
- 3) Plaintiff to furnish amendment plaint & of copies thereof.

Date : 08.11. 2019

(P.V.Patil)  
Jt. Civil Judge,Deorukh

- : C E R T I F I C A T E : -

Judgment/order in (Order below Exh.95, 97 in R.C.S No.17/2017)

I affirm that the contents of this Pdf file order are same words as per original order.

Name of Stenographer :- A.A.Shivalkar

Court Name :- The Court of Civil Judge (J.D.) &  
Judicial Magistrate F.C., Deorukh

Date of decision :- 8/11/2019

Judgment signed by PO. :- 8/11/2019  
on

Judgment uploaded on :- 8/11/2019