

Order below Exh. 60 in R.C.S. No. 07/2021
(CNR No. MHRT080000492021)

By the present application, it is contended that, defendant No. 09 Ashwini Arun Dalvi has died on 20/04/2021 and defendant No. 10 Vasant Aatmaram Shinde has died on 15/02/2021. The delay has occurred in making an application for bringing on record, legal representatives of these deceased defendants. Thus, the plaintiff has made three applications on 20/01/2022 viz. an application for condonation of delay, another application for setting aside the abatement and present application for bringing on record LR's of deceased defendants No. 9 and 10.

02. The application is not opposed by the defendants or by the proposed LR's to whom the notices have been issued.

03. Perused the record. Heard both sides.

04. Pertinently, as per order passed by the Hon'ble Supreme Court on 10/01/2022 in, **In Re : Cognizance For Extension of Limitation (Suo Motu Writ Petition No. 03/2020)**, the period from 15/03/2020 to 18/02/2022 has to be excluded from computing the period of limitation.

05. Thus, in fact, present application is well within limitation. Accordingly, other two applications at Exh. 56 and 58 are disposed by this Court. The suit is for partition and injunction. Rights as to immovable property of the concerned parties are to be adjudicated upon. Thus, leave as prayed for bringing on record LR's of deceased defendants No. 9 and 10 can be granted. Therefore, the application deserves to be allowed.

06. Thus, the application is allowed. Plaintiff shall carry the amendment and file the copy of amended plaint on or before next date.

Sd/-

Date :- 07/12/2023

(B. D. Tare)
Civil Judge (J.D.), Deorukh.

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

Judgment/order in (Order below Exh. 60 in R.C.S. No. 07/2021)

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

Name of Stenographer	:- P. S. Pawar (Jr. Clerk)
Court Name	:- The Court of Civil Judge (J.D.) & Judicial Magistrate F.C., Deorukh
Date	:- 07/12/2023
Order signed by PO. on	:- 07/12/2023
Order uploaded on	:- 07/12/2023