

Order below Exh.392 in Regular Civil Suit No. 73/1996
(Shivaji Kanade-Plaintiff Vs. Gopal Kanade-Defendants)

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Heard Ld. Advocate Smt. S.S. Sawant-Rangnekar for plaintiff. This application is filed on behalf of plaintiff to bring the Legal representative of deceased defendant No.4-A / 5-B1 on record. Defendants has filed say on application itself that, necessary order may be pass.

2. Defendant No.4-A / 5-B1 Rajeshri Jaywant Kanade is died on 15/04/2022.
3. The suit is for partition, declaration, permanent injunction. Deceased No. 4-A / 5-B1 was one of the necessary party in the suit. As she died her legal representative are the necessary party in the suit. According to the plaintiff, deceased defendant no. 4-A / 5-B1 is survived by 4B and 4C and 5-B2 and 5-B3. They are the legal heir of the deceased defendant no.4-A / 5-B1. The right to sue, therefore, survives.
4. The application to bring the legal representative of the deceased defendant on record is made within limitation period of 90 days as is prescribed by Article 120 of the Limitation Act, 1963, from the date of death of the deceased defendant no. 4-A / 5-B1. The application deserved to be allowed. Hence, I passed following order.

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- ORDER -

1. The application is allowed.
2. The applicant is allowed to bring the L.R.'s of the deceased defendant no. 4-A / 5-B1 on record of the suit within 14 days from the date of this order and file copy of amended plaint on record.

Sd/-

(A.J. Bachulkar)
Civil Judge, (J.D.), Kudal

Date :- 06/08/2022.