

ORDER BELOW EXHIBIT 145 (I.A. NO. 4/2022) IN R.C.S.
NO. 11/2016

This is a suit for partition in which application at exh. 148 is filed by plaintiff 1B for bringing Legal heirs of defendant no. 1 on record.

02. Perused application and say. Heard both sides.

03. It is submitted by the applicant/plaintiff no. 1B that he was informed that defendant no. 1 has died on 06/06/2022 from pursis filed by their advocate. He took effort for searching death certificate of defendant no. 1 but he could not get it within time. Meanwhile due to illness of plaintiff's mother she has died. Moreover, he could not bring on record legal heirs of deceased defendant no. 1 within prescribed time. There is no deliberate intention to cause delay. Thus, applicant/plaintiff has prayed for bringing LR's on record.

04. Defendant no. 1A has strongly opposed the application and necessary order may be passed subject to Costs.

05. Considering submission made by the parties it appears that the defendant no. 1 has died on 06/06/2022. It is further pertinent to note that delay of 05 months 13 days have been caused for bringing LR's on record. No expressed abatement order has been passed by this Court in respect of abatement of the suit. However, LR's of the defendant no. 1 have not been brought on record within prescribed time, therefore, suit

has been abated automatically. In view of above circumstances, it is just and proper to bring LR's of defendant no.1 on record. Hence, following order is passed.

ORDER

1. Application at exh. 145 is allowed.
2. LR's of defendant no. 1 be brought on record and necessary amendment in the plaint be carried out in that regard.
3. The applicant to comply.

Date : 18/10/2023

Amardeep D. Tidke

Place : Malvan.

Civil Judge Junior Division Malvan.

CNR No. MHSI07-0000642016