

ORDER PASSED BELOW EXH.NO. 73 IN R.C.S. NO. 17/2017.

The present application is filed by plaintiff for bringing legal heirs of defendant No. 1 on record.

2. Perused the recored. Heard both sides.

3. Date of death of defendant No. 1 is 14/03/2018 and the application is filed on 24/04/2018 i.e. within 90 days from the date of death of defenant No. 1.

4. The application is supported by an affidavit stating that defendant No. 1 died on 14/03/2018. Plaintiff has filed death certificate of defendant No. 1 alongwith list Exh. No. 72. The death certificate goes to show that, defendant No. 1 is died on 14/03/2018 at Mumbai. Defendants have not filed say, hence, application is proceeded without say of defendants.

5. It is pertinent to note that application is filed within stipulated period i.e. within 90 days. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit, it is necessary to allow the application to bring on record the legal representative of deceased defendant No. 1. Hence I proceed to pass the following order.

ORDER

1. The application is allowed.
2. Legal heirs of deceased defendant No. 1 are permitted to join as defendants.
3. No order as to cost.

Date : 24/04/2018

(Salim A. Jamadar)
Civil Judge J.D. Kankavali.