

ORDER PASSED BELOW EXH.NO. 66 IN R.C.S. NO. 29/2015.

The present application is filed by plaintiff No. 2 for bringing legal heirs of plaintiff No. 2 on record as per will deed.

2. Perused the record. Heard both sides.

3. Date of death of plaintiff No.2 is 18/10/2017 and the application is filed on 20/11/2017 i.e. within 90 days from the date of death of plaintiff No.2.

4. The application is supported by an affidavit stating that plaintiff No. 2 died issueless on 18/10/2017. As per will deed plaintiff No. 5 is legal heirs of deceased plaintiff No. 2. Plaintiff No. 5 has filed death certificate of plaintiff No. 2 alongwith list Exh. No. 68. The death certificate goes to show that, plaintiff No. 2 is died on 18/10/2017 at Nirukhe, Tal. Sawantwadi. Defendants have filed say contending that necessary order may be passed.

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 plaintiff No.2, as the right to sue is survived. Hence I proceed to pass the following order.

ORDER

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

Date : 07/02/2018

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