

**ORDER BELOW EXH. 146 IN RCS NO. 365/2000**  
(Raghunath Chavan & ors. V/s. Bhimrao Kamble & ors.)

1. Present application is filed by plaintiffs in which they contended that, plaintiff No. 2 Dattatraya Nana Chavan had succumbed on 24/08/2014 and after his demise listed persons are his legal representatives. Those are required to be brought on record. Lastly plaintiffs prayed to allow present application. Say of other side has been called. But they failed to file Say.

2. In the light of submission of plaintiffs I have gone through record including death extract Exh. 149 which make it more clear that, plaintiff No. 2 Dattatraya Nana Chavan died on 24/08/2014. Considering the nature of suit and the fact that it is for partition of suit property, it appears to me that right to sue survives even after the death of plaintiff No. 2 Dattatraya Nana Chavan, as such the legal representatives need to be brought on record vide provisions of Order 22 Rule 3 of the Code of Civil Procedure.

3. Further it reveals that there is little bit delay in filing present application and plaintiffs did not opt to file application for condonation of delay. However, it is clear from present application that death certificate of plaintiff No. 2 was received on 27/09/2014. So there are justifiable reasons on the part of plaintiffs for not filing present application within stipulated period. Considering all these aspects and legal provision, delay caused needs to be condoned. Hence, it is condoned. But for that delay plaintiffs are liable to pay some costs. In the result of all above discussion I proceed to pass following order.

**ORDER**

- (1) Application is allowed as follows :-
- (2) Delay of 15 (Fifteen) days caused in filing present application is condoned, subject to costs of Rs. 300/- (Rs. Three hundred only).
- (3) Plaintiffs are permitted to bring legal representatives of deceased plaintiff No. 2 Dattatraya Nana Chavan on record vide provisions of Order 22 Rule 3 of the Code of Civil Procedure.
- (4) Plaintiffs are directed to amend the plaint to that regard and file amended copy on record on or before next date.

Islampur  
Date 08/12/2014

Sd/-xxx  
(Suhas P. Bhosale)  
VI Joint Civil Judge Junior Division,  
Islampur