

ORDER BELOW EXH. 199 IN R.C.S.NO. 365/2000
(Raghunath Jadhav and others Vs. Bhimrao Kamble and others)
CNR No.MHSN05-000116-2000

Present application is filed by the plaintiffs for inducting legal heirs of deceased plaintiff no. 4 on record.

2. Proposed LR's deceased plaintiff no. 4 appeared in the proceeding and filed common say at Exh. 197 stating that, they have no objection to grant the application.

3. Defendant no. 29 (a) to 29 (c) filed their common say at Exh. 197 stating that, they have no objection to bring on record legal heirs of deceased plaintiff no. 4.

4. Despite sufficient opportunity, defendant no. 17 (a) did not file her say on the application. Hence, I am deciding this application without say of defendant no. 17 (a) and on merits.

5. According to plaintiffs, deceased plaintiff no. 4 died on 20.04.2021 leaving behind his legal heirs. Hence, it is prayed that, plaintiff be permitted to bring on record legal heirs of deceased plaintiff no. 4.

6. Read the application and say. Hard both sides. On perusal of death extract of deceased plaintiff no. 4 namely Ramchandra Nana Chavan at Exh. 204/1, it reveals that, plaintiff no. 4 died on 20.04.2021. Delay caused in bringing the legal heir's of plaintiff no. 4 was condoned without imposing any cost and abatement was also set-aside without imposing any cost. If LR's of deceased plaintiff no. 4 were not brought on record, much prejudice would be caused to the plaintiffs and ultimately it results in multiplicity of the proceedings between the parties. Present suit is filed for partition. Right to sue survives to LR's of deceased

plaintiff no. 4. Considering all facts, I am of the opinion that no further inquiry is necessary & plaint is requires to be amended by adding the legal representative as a party to the suit in place of the deceased plaintiff no. 4. Hence, I pass the following order:-

ORDER

1. Application is allowed.
2. The plaintiffs are permitted to amend the plaint by adding the legal representative as a party to the suit in place of the deceased plaintiff no. 4.
3. The plaintiff shall carry out the amendment within 14 days from today & furnish amended copy of plaint.

Islampur.

Date : 02.05.2022

(G.S.Diwan)

3rdJt.C. J. J. D,Islampur.

CERTIFICATE

I affirm that the contents of this Pdf file order is same word as per original order.

Name of Stenographer	:- Shri. M. S. Gondkar
Court Name	:- G. S. Diwan 3 rd Jt. Civil Judge (J.D) and J.M.F.C., Islampur.
Date of decision	:- 02.05.2022
Order signed by PO on	:- 02.05.2022
Order uploaded on	:- 02.05.2022