

ORDER BELOW EXH. 202 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 defendant no. 21 on record.

2. Notice was issued to the proposed LR's deceased defendant no. 21. On perusal of bailiff report Exh. 206 and Exh.207 it reveals that, notice duly served on proposed LR's of defendant no. 21. Despite service of notice, they failed to attend before the court. Hence, I am deciding this application on merits.

3. According to plaintiffs, deceased defendant no. 21 died on 12.07.2021 leaving behind his legal heirs. Hence, it is prayed that, plaintiff be permitted to bring on record legal heirs of deceased defendant no. 21.

4. Heard Ld. Counsel for plaintiffs. Read the application. On perusal of death extract of defendant no. 21 at Exh.204/2, it reveals that, defendant no. 21 Hindurao Khandu Chavan died on 12.07.2021. Delay caused in bringing the legal heir's of defendant no. 3 was condoned without imposing any cost and abatement was also set-aside without imposing any cost. If LR's of deceased defendant no. 21 were not brought on record, much prejudice would be caused to the defendants 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 defendant. 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 defendant no. 21. Hence, I pass the following order:-

ORDER

1. Application is allowed.
2. The plaintiff is permitted to amend the plaint by adding the legal representative as a party to the suit in place of the deceased defendant no. 21.
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