

REGULAR CIVIL SUIT NO.98/2015
[Common Order Passed Below Exh.47 and 49]
[Jagannath Tukaram Mane etc.6 v/s. Ramachandra Tukaram Mane etc.2]
(CNR-MHSN090005002015)

1] Applications at Exh.47 and 49 are filed by the applicants for bringing on record the legal representatives of the deceased plaintiff No.1. Defendants has filed their common say over back leaf of the applications.

2] In the present application the applicant has contended that deceased plaintiff no.1 Jagannath Tukaram Mane was died on 22.11.2017. Due to some circumstances applicant has not filed application for bringing legal heirs of deceased plaintiff no.1. Hence, applicant has prayed for bringing them legal heirs of deceased plaintiff no.1.

3] Defendants has strongly objected on the present applications. They contended that the applications are vague. They have further contended that the applicants have already knowledge about death of plaintiff no.1. Applicant has intentionally not filed application within limitation. Hence, they prayed for application of rejection.

4] perused record it is appeared that the abatement order has not been passed by my Ld. Predecessor. But the applicant has filed application for setting aside abatement order. There was delay happening on taking legal heirs of plaintiff no.1 in the hands of applicant. In the present case the right to sue survives to the surviving legal heirs of plaintiff no.1. Under such circumstances in order to enable to court effectively and completely adjudication upon settle all the question involve in the suit it is necessary to allow the application to bring on record the legal heirs of plaintiff no.1 namely Jagannath Tukaram Mane within 14 days, failing which the suit shall dismissed.

sd/-xxx

Tasgaon.
Dt.01.07.2019

(Smt.J.C. Gupta)
Jt. Civil Judge, Jr.Dn., Tasgaon.