

Common order below Exh.14,16 and 18 in R.C.S.No.150/2019

[Shukla Shivaji Mali v/s. Sadashiv Krushna Adake & Anr.]

[CNR-MHSN0900012202019]

The present applications are filed by plaintiff for setting aside abatement, condonation of delay and to bring the legal heirs of deceased defendant no.2 on record.

2. By filing present application it is submitted by the plaintiff that the defendant no.2 namely Dnyandev Laxman Adake is reported to be dead on 26.11.2019 at Civil Hospital, Sangli. Due to pandemic situation of Covid-19, plaintiff could not bring the legal heirs on record within the stipulated period of limitation. The delay caused is not intentional. The present suit is filed for redemption of mortgage and for possession. Therefore, it is necessary to bring the legal heirs of deceased defendant no.2 on record. Therefore, considering the reasons mentioned in the applications, the applications may be allowed.

3. The suit proceeded exparte against defendant no.1.

4. Heard Ld.Advocate for plaintiff. The applicant in support of his application has filed on record photocopy of death extract of deceased defendant no.2 Dnyandev Laxman Adake at Exh.13 which shows that he is reported to be dead on 26.11.2019. The suit is filed for redemption of mortgage and for possession. Therefore, considering the nature of suit, it is necessary to bring the legal heirs of deceased defendant no.2 on record. Hence, I proceed to pass the following order.

ORDER

1. The applications are hereby allowed. The permission is granted to bring the legal heirs of deceased defendant no.2.
2. The plaintiff to carry out necessary amendment and furnish the copy of plaint till next date.
3. No order as to costs.

TASGAON.

Date : 03.08.2022.

(Omprakash M.Mali)

Civil Judge Jr.Dn.,

TASGAON.

I affirm that, the contents of this P.D.F. file are same, word to word, as per the original order.

Name of the Stenographer	:	U.P.Patil
Court	:	Civil Judge Jr.Dn. and Judicial Magistrate F.C., Tasgaon.
Date	:	03.08.2022
Order signed by the Presiding officer on	:	03.08.2022
Order uploaded on	:	04.08.2022