

MHSN110001692012



ORDER BELOW EXH. 66
Regular Civil Suit NO. 62/2012
(Kishor Rakshe Vs. Shivaji Patil)

1. Plaintiff has filed present application under order 22 rule 4 of Code of Civil Procedure.
2. It is the contention of the plaintiff that, defendant no. 10 namely Radhabai Martand Shinde died on 15/06/2014 at Atpadi. Her legal heirs as follows-: **1) Dhanajay Rajendra Shinde** **2) Santosh Rajendra Shinde** **3) Rani Suresh Kale** **4) Kalpana Suresh Katkar** **5) Vijaya Rajdendra Shinde** are legal heirs of deceased Radhabai Martand Shinde. Hence, Plaintiff is requested to insert the names of above mentioned legal heirs as defendants and make bracket to the name of defendant no. 10 namely Radhabai Martand Shinde in the title clause. Hence, prayed to allow the application.
3. Defendant no. 10(1), 10(2), 10(4) and 10(5) have filed say below exhibit 89 and defendant no. 10(5) is filed say below exhibit 101 and resisted the same. It is the contention of defendants that, the plaintiff has filed false application. There is delay to filing this application. The contentions in the application are denied in toto. There is no merit in the application. Hence, prayed to reject the same. There is no documentary evidence filed on record.

4. Heard both the Advocates. I have gone through the pursis filed below exhibit 61 wherein it has been seen that, defendant no. 10 namely Radhabai Martand Shinde died on 15/06/2014. Present application is filed on 15/10/2018. The application to bring legal heirs is to be filed on record within 90 days from the death of deceased as per provisions of article 120 of Limitation Act, 1963. Present application is filed on 15/10/2018. There is approximately 04 year 04 months delay to file present application. The record shows, the Court has condoned the delay and set aside the abetment order by passing order below exhibit 62 and 64 respectively. Hence, Prejudice would not be caused to the defendants in case the application is allowed as prayed. Hence, I proceed to pass following order.

ORDER

1. The application vide exhibit 66 is allowed.
2. Plaintiff is permitted to carry out amendment as prayed in the application and file amended copy on next date.
3. Cost in cause.

Date: 10/07/2025.

(**R.B.Kulkarni**)
Jt. Civil Judge Jr. Dn.,
Atpadi.

Certificate

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

Name of the Stenographer	- A. R. Jadhav
Court	- Jt. CJJD and JMFC, Atpadi.
Date	- 10.07.2025
Order signed by the Presiding Officer on	- 10.07.2025
Order uploaded on	- 11.07.2025