

Order below Exhibit 64 in Regular Civil Suit no. 57/2019

1. The plaintiff has filed the present application for permission to bring legal representatives of defendant no.27 on record. The plaintiff contended that he has filed application to bring legal heirs of defendant nos.14 and 27 on record. Said application was partly allowed, but legal heirs of defendant no.27 was not bring on record due to oversight. Hence prayed for permission to bring legal heirs of defendant no.27 on record.

2. The defendants resisted the application contending that plaintiff not bring the legal heirs within stipulated time and plaintiff amend the suit before order. Hence prayed to reject the application.

3. Perused the application and say. Heard both side. On perusal of the record it is apparent that the suit is filed for partition, separate possession, declaration and injunction. The defendant no.27 died on 22.09.2020 and therefore the plaintiff filed application Exh.61 . The said application was allowed by order dated 18.10.2023. But plaintiff failed to bring the legal heirs on record within 14 days. It is mentioned in the application that due to oversight the amendment could not be carried out. Considering the nature of the suit it is necessary to bring on record legal heirs of defendant no.27 on record being a necessary party of the suit. Hence an opportunity needs to be given to the plaintiff to bring on record legal heirs of defendant no.27. Accordingly, the following order is passed :

ORDER

1. Application Exh.64 is allowed.
2. The plaintiff is directed to bring legal representatives of the defendant no.27 on record of the suit within 14 days of this order subject to cost of Rs.200/- be credited to government.

Kadegaon
Date : 03.12.2024

(D.S.Sharma)
Civil Judge, (J.D) Kadegaon
Dist.Sangli