

Common Order Below Exh. 15, 17 and 19 in R.C.S. No.82/2018
(Akkatai Kondiba Jadhav V/s. Eknath Hariba Pawar & Ors.)

1. The plaintiff has filed the present applications to take on record legal representatives of the defendant no.1. The plaintiff submitted that the defendant no.1 died on 30/08/2020. The copy death certificate is filed below Exh.14/1.

2. Defendants have failed to file their say. Hence, the applications are proceed without say of defendants.

3. Perused the suit record. The defendant no.1 died on 30/08/2020 and present applications have filed on 22/06/2022. Therefore, it is clear that, the plaintiff failed to file these applications within limitation period. Hence, he is liable to pay cost. But it is also essential to consider that, to decide the suit on merit and in order to enable the court to effectively and completely adjudicate upon and settled all the questions involved in the suit, it is necessary to allow the applications to bring on record the legal representatives of the defendant no.1. There are no other heirs except mentioned in Exh.19. It is therefore necessary in the interest of justice to allow the applications. Hence, I pass following order :

-: ORDER :-

1. Applications are allowed subject to costs of Rs.300/- deposited in legal aid.
2. The plaintiff is allowed to bring on record legal representatives of the defendant no.1 within 14 days of this order.

Date : 25/08/2022.

(P.R.Sabnis)
Jt.Civil Judge, J.D.Kadegaon.