

**IN THE COURT OF Jt.CIVIL JUDGE JUNIOR DIVISION**  
**AT KADEGAON, DIST.SANGLI**

**Regular Civil Suit No. 134/2019**

**Bhanudas Rajaram Yadav** ..... **Plaintiff**

**V/s.**

**Sanjay Baban Yadav & Ors.** ..... **Defendants**

**Common Order Below Exh. 24, 26 & 28**

1. The plaintiff has filed the present application to take on record legal heirs of the defendant no.8. The plaintiff submitted that the defendant no.8 has died on 18/09/2021. It is submitted that if legal heirs of the defendant no.8 is not taken on record then he would suffer irreparable loss.

2. Other defendants have filed their say and submitted that, plaintiff has purposely delayed the suit. Hence, prayed to reject the application.

3. Perused the suit record. The defendant no.8 has died on 18/09/2021 and present applications have filed on 13/09/2023. Therefore, it is clear that, the plaintiff failed to file these applications within limitation period. Death certificate of the defendant no.8 is not on record. But other defendants have not denied the fact of death of the defendant no.8. The objection is regarding delay for filling these

applications. For this reason the plaintiff 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.8. There are no other heirs except mentioned in Exh.28. 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.500/- paid to defendants.
2. The plaintiff is allowed to bring the legal heirs of the defendant no.8 on record of the suit within 14 days of this order.

Sd/-xxx  
(P.R.Sabnis)

Date : 10/11/2023.

Jt.Civil Judge, J.D.Kadegaon.