

:-Order below Exh.75 in RCS No.191/2015:-

01. Perused application filed by the Plaintiff seeking the permission to bring the legal representatives of deceased Defendant no.2 on record and say filed by defendant no.3 at Exh.79 as well as say filed by proposed legal representatives of deceased defendant no.2 i.e. defendant no.2(i) at Exh.83A.

02. On perusal of present application and copy of death certificate of Defendant no.2 produced at Exh.72, it is clear that the date of death of Defendant no.2 is 09/10/2021. However, present application is filed on 11/03/2025. Therefore, present application is filed after 90 days from the date of death of Defendant no.2.

03. The application is supported by an affidavit of the plaintiff stating that deceased Defendant no.2 does not have any other heirs except those named in the application. Present suit is for partition and separate possession. Hence, right to sue survives against the legal representatives of deceased Defendant no.2.

04. In order to adjudicate the present case effectively, it is necessary to allow present application for bringing legal representatives of deceased Defendant no.2 on record of the present case. The present application is filed beyond limitation period to bring legal representatives of deceased Defendant no.2 on record. Hence, the Plaintiff filed application for condonation of delay in bringing the legal representatives of deceased Defendant no.2 on record at Exh.73 and for setting aside abatement of suit against deceased Defendant no.2 at Exh.74 which are already allowed. Hence, in view of provisions of Order XXII Rule 4 of the Civil Procedure Code,1908 and para 96 of Civil Manual, I pass the following order-

- i. The application at Exh.75 is allowed subject to costs of Rs.300/- to be credited to the government.
- ii. The Plaintiff is allowed to bring the legal representatives of deceased Defendant no.2 on record of the present case within 14 days from the date of payment of costs.
- iii. The Plaintiff is directed to amend the plaint accordingly within 14 days from the date of payment of costs and submit the amended plaint.

Place: Kadegaon

Date: 19/06/2026

(Smt.Madhavi R. Patkar)

CJJD Kadegaon