

Common Order Below Exh. 38 & 39 in R.C.S. No. 169/2016
(Sampat Daji Suryawanshi V/s. Madhukar Daji Suryawanshi)

1. The plaintiff has filed the present application to take on record legal representatives of the defendant no.1. The plaintiff submitted that the defendant no.1 died on 11/11/2019. The copy death certificate is filed below 49/1. It is submitted that if legal representative of defendant no.1 is not taken on record then he would suffer irreparable loss.

2. Defendant no.2 has filed his say and submitted that, the plaintiff has purposely delayed the suit. Hence, prayed to reject the application.

3. Perused the suit record. The defendant no.1 died on 11/11/2019 and present applications have filed on 16/01/2020. 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 defendant no.1. There are no other heirs except mentioned in Exh.39. It is therefore necessary in the interest of justice to allow the applications. Hence, I pass following order :

-: O R D E R :-

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

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

Date : 07/01/2022.