

ORDER BELOW EXHIBIT-35 IN R.C.S.No.1255 of 2013

Applicants have filed the present application seeking permission to include them as legal heirs of the plaintiff.

2. It is asserted by the applicants that plaintiff is their father. Their father died on 08/10/2018, mother died on 01/04/2018. Applicants are only legal heirs of the plaintiff. Hence, prayed for their inclusion.

3. Defendant filed the say and objected the said application stating that plaintiff died on 08/10/2018 and his wife Ramabai died 01/04/2018. He has admitted that the applicants are legal heirs of the plaintiff but only objection is that this application has been filed beyond the stipulated period of 90 days due to which the suit has been abated and therefore this application is not tenable. Hence prayed for rejection of the application.

4. Perused application, say filed on record. It reveals that the relationship of the applicants with the plaintiff has been admitted by the defendant. The only objection is that this application has been filed beyond the stipulated period of 90 days due to which the suit has been abated and therefore this application is not tenable. However, despite the fact that stipulated period of 90 days has been elapsed, it is necessary that the legal heirs of the plaintiff have to be brought on record for the proper adjudication of the suit. Therefore, in the interest of justice it will be proper to allow the application subject to reasonable costs. Accordingly I pass following order :

ORDER

1. Application is allowed subject to costs of Rs.500/- be given to the defendants.
2. Applicants are permitted to be included in the suit as legal heirs of the plaintiff.

Date : 17.01.2020.

(J. A. Zari)
Jt. Civil Judge (J.D.),
Barshi.

CERTIFICATE

I affirm that the contents of this P.D.F. file Judgment are same word to word as per original Judgment.

Name of Stenographer : A.S.Magnur.

Court Name : J.A.Zari,
Jt.C.J.J.D.& J.M.F.C. Barshi.

Date : 17.01.2020.

Judgment signed by the
presiding officer on : 17.01.2020.

Judgment uploaded on : 17.01.2020.