

ORDER BELOW EXH. NO. 79 IN R.C.S. No. 61/2005
(Arun Nanware and Ors. Vs. Waman Nanware and Ors.)

Legal representative of plaintiff No. 2 has filed application for bringing Legal Representatives of deceased plaintiff Nos. 1 to 3 on record. Called say of defendants.

[2] As per the contention, plaintiff Nos. 1 to 3 has been died on 02.11.2014, 04.08.2014 and 09.01.2017. They are having legal heirs as follows.

Plaintiff No.1 Arun Dada Nanaware (died on 09.01.2017),

1A) Yamuna Arun Nanaware, Age -47 years,

1B) Kiran Rohit Bansode, Age -28 years,

1C) Purnima Dipak Patil , Age -26 years,

1D) Meera Dipesh Nair, Age -24 years,

1E) Asha Arun Nanaware, Age - 22 years,

All R/o. Jalgaon Chopda, Varadi.

Plaintiff No.2 Gautam Dada Nanaware (died on 02.11.2014),

2A) Chitra Gautam Nanaware, Age - 50 years,

2B) Snehal Gautam Nanaware, Age - 32 years,

2C) Snehankita Gautam Nanaware, Age - 26 years,

2D) Nikhil Gautam Nanaware, Age - 25 years,

All R/o. New Harishchandra Colony, in front of Gavdevi Temple,
Ashalegaon, Ulhasnagar (South) , Thane.

Plaintiff No.3 Tukaram Dada Nanaware (died on 04.08.2014),

3A) Sangita Tukaram Nanaware, Age - 45 years,

3B) Ritesh Tukaram Nanaware, Age - 18 years,

3C) Bhavika Tukaram Nanaware, Age - 16 years,

All R/o. Wadala, Korba Mithagar, Mandakini Nagar, in front of
police Station, Mumbai-37.

All the plaintiffs reported to be died during pendency of suit. As this is a suit filed for partition and separate possession, their legal representatives need to be added as a party in this suit. The deceased plaintiffs are survived by their legal heirs.

[3] Defendant No. 1 has filed his say on application itself and raised objection contending that application is not true, it is not within limitation. Hence, he prayed for rejecting the application.

[4] The application to bring the legal representatives of deceased plaintiff Nos. 1 to 3 has brought on record on 01.08.2024, deceased plaintiffs have died long back. The application needs to be filed within limitation period of 90 days of the death of party, as prescribed by Article 120 of the Limitation Act, 1963. But already abatement and condonation of delay has been set aside by order at Exh. No. 75 and 77 by this Court. Therefore, this application can be allowed subject to cost as it has been filed after a great delay.

[5] Hence, in the backdrop of above discussion, I proceed to pass following order :

ORDER

[1] Application is hereby allowed subject to cost of Rs. 2000/- to defendant No. 1 till next date.

[2] Applicant will be allowed to bring legal representatives of deceased Plaintiff Nos. 1 to 3 on record after depositing cost.

[3] Both the parties are directed to expedite the proceeding of the suit.

Date : 03/08/2024

(Smt. S.N. Gangwal-Shah)
Civil Judge Jr. Div. Mangalwedha

CERTIFICATE

I affirm that, the contents of this P.D.F. file Order is same word to word, as per the original Order

(a) Name of the Stenographer : P.T. Jadhav

(b) Name of the Court : C.J.J.D., Mangalwedha, Dist. Solapur,

(c) Order signed by P.O. on : 03/08/2024

(d) Order uploaded on : 03/08/2024.