

Order Below Exh. 121 in R.C.S. NO. 253/00

Dhondubai Maruti Kamble (Dead) through LR's.

Vs.

Sharda Shivaji Reke (Dead) through LR's & Ors.

1. The present application is filed by plaintiffs for amendment in the plaint so as to bring on record legal heirs of deceased defendant no.3 Ganesh Shivaji Reke who died on 09-01.2020. As per contents of present application, deceased was survived by legal heirs. Accordingly, it is prayed for permission to amend the plaint to bring on record legal heirs of the deceased defendant No.3. The notices of the present application were issued to the proposed legal heirs but those came unserved. It is to be noted that, though the notices were not served but the present application can be decided without serving of such notices for the reason that, the matter is more than 20 years old and if the matter remains pending for non service of these notices then the matter would be delayed much more. Another reason is that, even if the application is decided and allowed then whatever contentions the proposed legal heirs could have taken to the present application those contentions they can very well take in the main suit also. As far as merits of the present application is concerned, the application is filed well within limitation because as per death certificate of defendant No.3 at Exh.124 date of death is 09.01.2020 and present application is filed on 18.02.2020. Therefore, the application is liable to be allowed. Hence, the following order:-

Order

1. The application is allowed.
2. Plaintiff shall make necessary amendment in the title clause of plaint within 14 days from date of this order.
3. The cost of present application shall be born by plaintiffs.

Date:- 29-11-21

Place:- Karad

(A. P. Kulkarni.)

4th Jt. C. J. S. D. Karad.