

ORDER PASSED BELOW EXHIBIT-54.

Present application is filed by the plaintiffs to condone the delay occurred in bringing on record the legal heirs of deceased defendant No.2. Defendant opposed the application contending that, by filing pursis at Exh.48 on 19/04/2023 information was given regarding the death of defendant No.2. To prolong the matter application is filed at belated stage. Hence, prayed to reject the application.

2] Read application and say filed thereon. Heard both the parties. It appears that, vide pursis Exh.48 Advocate for defendant No.2 reported that defendant No.2 is died on 20/03/2023. As per Order 22 Rule 10-A of the C.P.C. duty is upon the pleader to communicate about the death of party, upon whose behalf the pleader is appeared. Therefore, from the date of knowledge i.e. filing of pursis Exh.48 the present application is filed within the period of 90 days. As per the provisions of Article 120 of the Limitation Act period of 90 days is provided to bring on record the legal heirs. Therefore, it is necessary to allow the application. Hence, I pass the following order.

ORDER

1] Application is allowed.

Sd/-

(R. P. Kulkarni)

Civil Judge (Sr. Division), Washim.

Date : 02/11/2023

CERTIFICATE

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment /order.

- 1) Name of Stenographer :- S. P. Kale (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 02/11/2023
- 4) Order signed by the presiding officer on :- 02/11/2023
- 5) Order uploaded on :- 02/11/2023