

MHNG010008632020



R.C.A. No.75/2020

Namdeo Kishan Kunghatkar

-Versus-

Sumitra Dashrath Dhodare

ORDER BELOW EXH. 19

(Passed on 15th day of December, 2025)

This is an application filed by appellants for bringing the legal representative of the respondent No.3 on record.

2. Perused application. That the present application is pending since 16.12.2023. After filing of application notice has been served to proposed L.Rs. Vide order dated 16.12.2023 below Exh.17. However, though legal heirs of the respondent No.3 appeared by filing V. P. vide Exh.24, they have not filed the say and not contested the application.

3. Heard learned Advocate for appellants. It is his contention that, the respondent No.3 Smt. Nathabai Zibalji Junghare died on 22.10.2022. After getting aforesaid information the counsel for appellants contacted to appellant No.3 and informed him to bring necessary details of legal heirs of the respondent No.3. Accordingly, the respondent No.3 visited the house of the appellant No.1 and he supplied necessary instructions to the appellant No.3 for instructing their counsel to prepare this application. The counsel had filed the instant application after taking necessary information from the appellant No.3. As appellants have good chances of success on merit, it is necessary to give opportunity to contest the appeal on merit. The learned counsel for appellants therefore, submitted for taking L.Rs. of the respondent No.3 on record.

4. I have given consideration to the submissions of the learned counsel for appellants. Record reveals that, the delay of 330 days for filing the instant application is already condoned subject to the cost by passing order below Exh. 17. It appears from the appeal that, appellants have various grounds to urge on merit. The right to sue survives to appellants against the legal heirs of the respondent No.3. Therefore, for the fair and complete adjudication of the matter on merit, it is necessary to bring legal heirs of the respondent No.3 on record. Consequently, I proceeds to pass following order.

ORDER

1. The application is hereby allowed.
2. Appellants to carry out necessary amendment for bringing names of L.Rs. of the respondent No.3 on record, after depositing the cost, as directed by the order below Exh.17.
3. The cost of application would costs in cause.

Sd/-

Nagpur

(Smt. S.M.Bais)

Date : 15.12.2025

Ad-hoc.D.J.-2, Nagpur

Certificate

I affirm that contents of this P.D.F. file of order are word to word, as per original order.

Name of Stenographer : Smt. A. J. Chichate (Grade-I)