

ORDER BELOW EXH.NO. 103

1. Legal representatives of deceased plaintiff No. 2 have filed present application to add them in present suit. They submitted that plaintiff No. 2 namely Balaso Bhimaji Ghorpade died on 24.11.2022 and present suit is filed for partition & declaration of title, they must be added in the suit. Hence, the application.

2. Defendants opposed to present application by filing their say overleaf the application. They contends that reason mentioned in application is not genuine. It is also contended that the present suit is filed only for injunction, therefore application be rejected.

3. Heard Ld. Advocate for respective parties. Present suit is filed for declaration of title, perpetual injunction & relief of partition which is added later on by amendment. Considering the nature of the suit legal representatives of deceased plaintiff No. 2 must be added in the suit for surviving right to sue. Further present application is filed within limitation. I do not find the reason to reject the application. Hence, following order.

ORDER

1. The application is allowed.
2. Remaining plaintiffs shall add name of legal representatives of deceased plaintiff No. 2 in the plant instead deceased plaintiff No. 2.

3. Remaining plaintiffs shall make amendment in the plaint within 14 days from today irrespective of next date and provide amended copy copy forthwith.

Date :- 10.04.2023.

Place :- Rahata.

(S.V.Khaire)

Jt. Civil Judge, J.D. Rahata.