

MHAH170045612016

RCS No.349/2016



*Kisan Nivrutti Kharde & Ors. Vs.
Babasaheb Bhagwat Kharde & Ors.*

ORDER BELOW EXH.94

1. Proposed legal heirs of deceased plaintiff No.2 have filed present application for taking legal heirs deceased plaintiff No.2. To avoid the repetition the contents of the applications are not mentioned here.

2. Defendants have opposed the application by filing say at Exh.99 and 100.

3. I have heard both sides. Perused record. Record shows that plaintiff No.2 died on 01/04/2025 and present application is filed on 10/07/2025. It means there is only 9 days delay. Already delay is condoned and abetment is set aside vide order below Exh.91 and 92. Defendants did not contended that the proposed legal heirs are legal heirs of deceased plaintiff No.2. Suit is for fixation of the boundary marks and perpetual injunction. Hence, the proposed legal heirs required to be taken on record as right to sue survives. Hence, application application deserves to be allowed. Therefore, I pass the following order -

ORDER

1. Application is allowed.
2. Proposed legal heirs of deceased plaintiff No.2 be taken on record and plaint be amended accordingly.

3. Application is disposed off.

Date:- 07/01/2026

(N. N. Joshi)
2nd Jt. Civil Judge Senior Division,
Rahata, Dist.Ahmednagar

<u>CERTIFICATE FOR UPLOADING TO CIS</u>	
I affirm that the contents of this P.D.F File are same word to word, as per the original.	
Name of the Court	: Smt. Neha N. Joshi 2 th Jt. Civil Judge Senior Division & Addl. Chief Judicial Magistrate, Rahata, Dist.Ahmednagar.
Name of the Stenographer	: Amol S. Nannaware Stenographer (Grade-II)
Dictated on computer	: 07/01/2026
Typed on	: 07/01/2026
Checked & Signed on	: 07/01/2026