

MHAH230011232014



**Kashinath Ramji Padale  
Vs. Phulabai Vithal Padale**

**Order Below Exhibit 79**

1. The plaintiff has filed the present application under Order 22 Rule 4 of the Code of Civil Procedure. The suit is for partition against the defendants. During the pendency of the suit, defendant no. 1 expired on 24 April 2019. Defendant nos. 2 and 3, who are already on record, are the legal heirs of deceased defendant no. 1.

2. Subsequently, defendant no. 2 also expired on 27 November 2022. The plaintiff, being an illiterate person, was unaware of the legal procedure and the requirement to bring the legal heirs of defendant no. 2 on record within the prescribed time.

3. The legal heirs of deceased defendant no. 2 are:

- Arjun Maruti Jadhav
- Sujit Arjun Jadhav
- Suresh Arjun Jadhav

4. These legal heirs are necessary parties to the suit for proper adjudication on merits. The plaintiff has therefore prayed for permission

to bring them on record. Though the proposed defendants were represented through counsel, no reply was filed to this application.

5. This is a suit for partition and separate possession. The presence of the legal heirs of defendant no. 2 is essential for complete and effective adjudication. No irreparable loss will be caused to the surviving defendants by allowing this application. Moreover, allowing the application will avoid multiplicity of proceedings and help resolve the dispute comprehensively.

### **ORDER**

1. The application at Exhibit 79 is hereby allowed.
2. The plaintiff is directed to carry out the necessary amendment and file the amended plaint within 14 days.

Place : Shrigonda  
Date: 19.06.2025

(R. B. Khawale)  
2nd Joint Civil Judge Junior division,  
Shrigonda