

**ORDER BELOW EXHIBIT No.28**

*C.N.R. No.: MHAH23-001635-2014*

The present application has been filed by the plaintiff for taking legal heir of deceased defendant no. 01 on record.

2. It is case of the plaintiff that, the deceased defendant no. 01 expired on 23.08.2021. It is the case of the plaintiff that, the deceased defendant no. 01 has survived by two daughters and one son. Further, wife of the deceased defendant no. 01 is already on record. Hence, the legal heirs of the deceased defendant no. 01 kindly be taken on record. Hence, the permission be granted to take legal heirs on record and carry out consequential amendment.

3. The Ld. Advocate for the defendant has filed his say to the present application at Exh. 36. It is the case of the defendants that, the present application is not true and correct. Further, it is submitted that, the present application is not tenable and not legal. Further, it is submitted that, the present application is false and fabricated. It is further submitted that, the plaintiff has intentionally filed the present application to prolong the present case. It is further submitted that, the deceased defendant no. 01 expired on 23.08.2021. Further, it is submitted that, delay caused in

the present suit is intentional and hence, the present application is not filed within stipulated period. Hence, the present application deserves to be rejected.

4. I have already condoned delay of 01 year 01 month and 11 days caused in taking legal heirs of deceased defendant no. 01 on record vide order below Exh. 26. I am of the considered view that, right sue survives in favour of the legal heirs of deceased defendant no. 01. Hence, I am of the considered opinion that, the legal heirs of deceased defendant no. 01 deserve to be taken on record.

5. It is pertinent to note that, the present amendment is necessary for bringing true facts on the record of the Court and for deciding the real controversy between the parties. If the aforesaid amendment would not be allowed great prejudice would be caused to the plaintiff. Therefore, I pass the following order:

**:: Order ::**

1. Permission is granted to plaintiff to take legal heirs of deceased defendant no. 01 on record.
2. Permission is also granted to the plaintiff to carry out consequential amendment in the plaint.

*R.C.S. NO. 130/2014*

*Exh. 28*

3. The plaintiff is directed to carry out the necessary amendment on or before next date and to supply the copies of amended plaint.

Date: 24.10.2024

**(N. P. Baji)**  
2<sup>nd</sup> Jt. Civil Judge J.D.,  
S h r i g o n d a.

*R.C.S. NO. 130/2014*

*Exh. 28*

**CERTIFICATE**

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

Name of the Stenographer : D. T. Kasare

Name of the Court : Shri. N. P. Baji,  
2<sup>nd</sup> Jt. C.J.J.D.,  
Shrigonda.

Date of Order : 24-10-2024

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