

ORDER BELOW EXH. NO. 1 IN
Regular Civil Appeal NO.17/2011
(Wasudeo Ramdas Ghodaki Vs. Gajanan Mahadeo Lahore)
(CNR No. MHAK05-000068-2011)

The present appeal relates back to year 2011. The suit therein relates back to year 1997. As such the litigation is pending since more than 27 years. Initially the suit was instituted against Wasudeo Ramdas Ghodaki being the sole defedant. The suit has been decreed by the Ld. Trial Court vide judgment and decree dated 20.12.2010. The sole defendant Wasudeo thereupon preferred the present appeal being R.C.A No. 17/2011. Exh.1 i.e. the appeal memo would reveal Wasudeo is shown to have died and his sole legal representative Kusum Ramdas Ghodaki (widow of Wasudeo) has been taken on record in appeal only. Appeal memo i.e. Exh.1 has been amended on 06.04.2016 by the advocate of appellant as per order below Exh.19 in appeal. On minute perusal of the Trial Court record and proceedings, it is evident that after death of the sole defendant Wasudeo, his legal representative(s) is not substituted under order 22 C.P.C in the plaint. As such, the plaint remains unamended and without there being alive defendant (legal representative of deceased defendant). This defect seems to have continued during hearing of referred issue to the Trial Court under Order 41 Rule 25 C.P.C. In this premise, the parties are at liberty to resort to appropriate steps in this behalf, as to substitution of legal representative of sole defendant Wasudeo. The appeal as such is kept for necessary steps.

Place : Akot.
Date :31.10.2025.

(B. M. Patil)
District Judge-1,
Akot.