

**ORDER BELOW EXH.63**

( Passed on 19-04-2025 )

This is an application filed by the plaintiffs for bringing the legal representatives of deceased plaintiff no.4 namely Ashadevi Ganeshrao Ingle on record of this suit.

2] In the application it is contended by the plaintiffs that, the defendant no.4 namely Ashadevi Ganeshrao Ingle died on 22.09.2023. The plaintiff no. 4 has left behind her plaintiff no. 1 and 2 as her legal heirs. Two sons of deceased Ashadevi are dead and her grand sons i.e. plaintiff no.1 and 2 are already on record. Therefore, this application be allowed and plaintiff no. 1 and 2 also be considered as legal representatives of plaintiff no.4.

3] The defendant no.1 has filed his say to this application at Exh.65. In his say he has contended that, admittedly plaintiff no. 1 and 2 are the grand sons of deceased plaintiff no.4. But, he has further contended that, along with father of plaintiff no. 1 and 2 deceased Ashadevi has one daughter namely Poonam Avinash Kadam, she is also a legal representative of deceased plaintiff no.4. Therefore without mentioning her name in this application, this application is not tenable. So, it be rejected.

4] Heard learned respective Advocates of both sides at length. On going through the overall record and submissions it is very clear that, this is a suit for declaration and permanent injunction. Perusing the overall record and copy of death certificate of deceased plaintiff no.4 it is very clear that the plaintiff no. 4 died on 22.09.2023 and present application is filed on 20.12.2023 i.e.

very well within limitation. Further perusing Exh.72 filed by the plaintiffs it is also clear that plaintiffs have also admitted that, along with the plaintiff no. 1 and 2 the daughter of deceased plaintiff no.4 namely Poonam Avinash Kadam is also legal representative of deceased plaintiff no.4. Considering said aspect and nature of this suit it appears that the cause of action survives to proceed this suit after the death of plaintiff no.4 through her legal representatives i.e. through plaintiff no. 1 and 2 and Poonam Avinash Kadam. Hence, I pass the following order.

### **ORDER**

- 1) Application Exh.63 is hereby allowed as under.
  - i) The plaintiffs are hereby permitted to bring the legal representatives of deceased plaintiff no. 4 namely Ashadevi Ganeshrao Ingle on record of this suit.
- 2) Accordingly the plaintiffs shall carry out the amendment in their plaint on or before next date of this suit and shall show the plaintiff no. 1 and 2 and Poonam Avinash Kadam as legal representatives of deceased plaintiff no.4 and the amended plaint should be signed by all legal representatives of deceased plaintiff no.4 i.e. plaintiff no. 1, 2 and Poonam Avinash Kadam.
- 3) After the compliance of above direction the copy of amended plaint be filed on record of this suit.
- 4) Costs in main cause.

Date : 19/04/2025.

( **Mahesh S. Kale** )  
Civil Judge (Sr.Dn.),  
Akot.