

**ORDER BELOW EXH.27**

(Passed on 04<sup>th</sup> day of January, 2025)

This is an application filed by the plaintiffs for bringing the legal representatives of deceased defendant no.1 namely Udhavpuri Wasudevपुरी on record.

2. It is contended by the plaintiffs that the proposed legal representatives are widow and children of deceased defendant no.1 namely Udhavpuri Wasudevपुरी. The defendant no.1 is died on 26.12.2021. Therefore being the legal representatives of deceased defendant no.1 the proposed legal representatives need to be on record of this suit. So, this application be allowed and plaintiffs be permitted to bring the legal representatives of deceased defendant no.1 on record.

3. The proposed legal representatives have resisted this application by filing their common say on the leaf of application Exh.24. By filing their say they have resisted this application on the ground that the delay is caused for filing this application.

4. Heard the learned respective Advocates of both sides at length. On going through the overall record it is very clear that the delay caused for filing this application is already condoned by passing necessary order below Exh.24. Admittedly the defendant no. 1 is dead and his death certificate is produced on record along with list of document Exh.25. Further it is very clear that this suit is for

declaration, partition and separate possession of shares. Therefore, cause of action survives after the death of deceased defendant no.1 against the remaining defendants and proposed legal representatives of deceased defendant no.1. In above circumstances, considering the relations between deceased defendant no.1 and his proposed legal representatives, this application deserves to be allowed as sought. Hence, I pass the following order.

**ORDER**

1. The application Exh.27 is hereby allowed.
2. The plaintiffs are hereby allowed to bring the legal representatives of deceased defendant no.1 on record as sought.
3. The plaintiffs shall carry out the amendment in the plaint and shall produce the sufficient copies of amended plaint on record on or before next date of this suit.
4. After the compliance of above directions suit summons be issued to legal representatives of deceased defendant no.1.
5. Costs in main cause.

Date : 04/01/2025.

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