

MHAU050027362018



ORDER BELOW EXH. No.98
(Order passed on 21-06-2023)

Applicant namely Sangita Dipak has moved this application to allow her and other to join as a party in the matter as L.R's of deceased plaintiff.

02. It is submitted that, the plaintiff of the suit is expired on 25-10-2021, due to her oldness. Applicant herself and person mentioned in the application are the legal heirs of the said plaintiff. Their joining is necessary in the matter to decide it on merit. Allowing the present application, would remove technical defect of the matter. Lastly, prayed to allow the application.

03. Application is opposed by the defendant No.14. It is his contention that, no documentary evidence annexed with the application to show that deceased plaintiff was the mother of applicant and other. Further, no proof of the document produced on record to hold that, applicant and other are the L.R's of the deceased plaintiff. Contention of the applicant is not admit to the defendant. Application is against the provision of the law. Lastly, prayed to reject the application.

04. Heard both sides.

05. Perused the application and reply thereon. I have also perused the plaint. It would demonstrate that, present suit is for the relief of partition, possession and as well as declaration. If the subject matter of the suit is considered, along with the statements of application of the applicant, I am of the considered view that, presence of the applicant and other are necessary in the matter as a party to decide the matter finally and effectually. No prejudice would cause to the defendants if application allowed. Therefore, the provisions under Order 22 Rule 4 of C.P.C. can be invoked in the matter. Application deserves to be allowed. Hence, I pass the following order:-

ORDER

1. Application is allowed.
2. Applicant and other are permitted to join in place of deceased plaintiff as her L.R's.
3. Applicant to carry out necessary amendment in the suit within stipulated time and to present copy of amendment accordingly.

Date: 21-06-2023

(R. M. Karade)
Jt. Civil Judge (Sr. Div.)
Vaijapur

CERTIFICATE

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Name of the Stenographer : Shri. G. M. Zade.

(Stenographer Grade-II)

Court : Shri. R. M. Karade.

Jt. C.J.S.D., Vaijapur.

Date of Order : 21-06-2023

Order signed by the P.O. : 21-06-2023

Order uploaded on : 21-06-2023