

MHAU050029502010



ORDER BELOW EXH. No.131
(Order passed on 31-07-2023)

Plaintiffs have moved this application for bringing LR's. of deceased defendant No.2 on record.

02. It is contentions of plaintiffs that, defendant No.2 Kailash Kashinath Salunke is expired on 07-12-2020. He has left his L.R's. behind him. Therefore, it is necessary to bring his LR's on record to adjudicate the matter on merit. Lastly, prayed to allow the application.

03. Application is opposed on behalf of defendants that, the present application is not filed within limitation. Claim of the application is not legal, hence it is not maintainable. Lastly, prayed to reject the application.

04. Perused application and say thereon. I have also perused the prayer of the suit. It appears that, present suit is for the relief of perpetual injunction on the basis of title and

Sahebrao and other V/s. Asrabai and other

possession. If the reliefs claimed against the defendant No.2 and other is considered, I am of the considered view that, the L.R's. of defendant No.2 are necessary parties to the suit. Therefore, the provisions under Order 22 Rule 4 of C.P.C. can be invoked in the matter. Hence, I pass the following order:-

ORDER

1. Application is allowed.
2. Plaintiffs to bring the L.R's. of the defendant No.2 Kailash Kashinath Salunke on record without fail and to carry out necessary amendment in the suit within stipulated time and to file amendment plaint accordingly.
3. If order is complied as directed above by plaintiffs, issue notice to L.R's. of defendant No.2.

Date: 31-07-2023

(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 : 31-07-2023

Order signed by the P.O. : 31-07-2023

Order uploaded on : 31-07-2023