

MHAU060003942016



ORDER BELOW EXH.38

This is an application filed by plaintiff to bring on record legal heirs of representatives of defendant No.1.

2. It is submitted by plaintiff that, the present suit is pending for this court. During the pendency defendant No.1 has died on dated 09.05.2019. The deceased defendant No.1 left behind 4 sons, a widow and leaving 1 daughter. While 1 daughter name Aasiya Sayyad Ashfaq Ali has died. The deceased daughter named Aasiya is survived by 3 sons. Plaintiff further submitted that, except the heirs mentioned in this application there are no other legal heirs left behind him by deceased defendant No.1. Therefore, it is necessary to bring the legal representatives of the deceased on record.

3. Defendant No.8 to 11 are filed their say below Exh.38 and submitted that, necessary order may kindly be passed. Defendant No.1 to 7 has not filed their say despite several opportunities given to them.

4. Read the application and say. Heard both the side. The present application is supported by an affidavit. The plaintiff has filed the present application on dated 27.07.2019. The defendant

No.1 died on dated 09.05.2019. The copy of death certificate is on record below list Exh.40. The present suit is filed by plaintiff against defendant for perpetual injunction. Considering the nature of the suit, it is necessary to bring all the legal heirs on record in order to avoid multiplicity of proceeding. Thus, in my opinion it is just and proper to bring the legal representatives of defendant No.1 on record hence, I proceed to pass the following order,

ORDER

1. Application is allowed.
2. Plaintiff is directed to carry out the amendment within stipulate time.
3. The copy of amended plaint be supply to other side.

Dt. 12.03.2020

(P.H. Patil)
2nd Jt. Civil Judge J.D.
Kannad.

C E R T I F I C A T E

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 Court	:	Kiran Gyanba Khaire, (P. H. Patil), 2 nd Jt. C.J.J.D. & J.M.F.C Court, Kannad,
Date	:	12.03.2020
Order signed by the presiding officer on	:	12.03.2020
Order uploaded on	:	13.03.2020