

MHAU070025892016



R.C.S./21/2017

Rameshprasad S/o Baliram Choube Vs. Deviprasad S/o Baliram Choube

ORDER BELOW EXH.41

1. Read the application and say.
2. Perused the record and proceedings.
3. Heard the Ld. Advocate for both the parties.
4. By this application, the applicant/plaintiff prayed to take LR's of deceased defendant No.3 Shivprasad Baliram Chaube on record. It is submitted by plaintiff that during pendency of suit, defendant No.3 Shivprasad Baliram Chaube died. He died on 02.01.2024. Alkabai Shivprasad Chaube, Arjun Shivprasad Chaube, Vidya Dipak Dube, Swati Pradip Tiwari are the only legal heirs of deceased. Therefore, through this application he sought permission to take LR's of deceased on record. The other side contesting the application on ground that the present application is not tenable, therefore, the application be rejected with costs.
5. Considered the submission and entire record. Though defendant objected the application, but they did not disputed the death of the defendant No.3. They admitted in their say that, death of the defendant No.3. The application of LR's of deceased is supported with the affidavit. Therefore, considering that, the date of death of defendant No.3 or about his fact of death is not disputed, the application deserves to be allow to the extent of taking LR's on record. It would not cause prejudice to other side if the application is allowed. The application is made within limitation,

therefore, it is necessary to implead them as a parties to suit. In this backdrop, I pass the following order.

ORDER

01. The application is allowed.
02. The applicant is allowed to take LR's of deceased defendant No.3 Shivprasad Baliram Chaube as defendant Nos. 3-a to 3-d on record.
03. The plaintiff to carry out necessary amendment in title clause within 14 days of this order or on next date and served the copy of it on the other side to file their W.S.

Date : 16.11.2024.

(S. S. Agrawal)
Civil Judge Junior Division.
Gangapur, Dist.Aurangabad.

C E R T I F I C A T E

I affirm that the contents of this P.D.F. File Judgment/ Order
are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Kailas S. Rasve.
Name of the Court	S.S.Agrawal, Jt. Civil Judge Jr. Dn. & J.M.F.C., Gangapur
Order signed by the P.O.on	16.11.2024
Order uploaded on	16.11.2024