

MHAU080003462024



ORDER BELOW EXH. 16 IN LAR No. 7/2024)
(Baliram Rathod & Others Vs. State of Maharashtra)

The application at Exh. 16 is filed by the legal heirs of the claimant no. 2 namely Rukhamabai Baliram Rathod died on 21.06.2018.

2. The respondent has filed reply at Exh. 19 on this application and claimed that application is not maintainable at this stage and claimed rejection of application.

3. I have heard Ld. Advocate for legal heirs and the considering the contents of application and document death certificate and legal heirs certificate issued by Sarpanch Ghanegaon Tanda, death certificate of Baliram Dattu Rathod and Rukhamabai Baliram Rathod is filed at Exh. 18.

4. The legal heirs of deceased Rukhamabai Baliram Rathod have claimed that they are legal heirs of deceased claimant wife of Baliram Rathod and there are no other heirs to deceased Rukhamabai Rathod who died on 21.08.2016. The death certificate and legal heirs certificate in respect of name of deceased issued by Sarpanch Ganegaon Tanda, dated 07.11.2023 shows that the names of legal heirs. It appears that the legal heirs had got knowledge of the proceeding and therefore, claimed for bringing them on record.

5. The delay is just and unintentional hence required to be

condone. In view of statement of applicants and considering the statement of applicant the legal heirs required to be brought on recording in order to decide case on merit.

6. The respondent have disputed application and sought rejection however, by bringing legal heirs on record no prejudice would be caused to the respondent. The application is supported by documents, hence legal heirs of deceased are required to be brought on record for just decision of the case. Hence application deserved to be allowed. Consequently application is allowed.

Order

1. Application at Exh. 16 is allowed.
2. The applicant shall comply order as per procedure.

(Dictated and pronounced in open court.)

Date – 30.09.2024

Shri. D. S. Khedekar
Civil Judge, Sr. Dn.
Sillod.

CERTIFICATE

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

- 1) Name of Stenographer :- Rajendra Vitthalrao Ghongade.
- 2) Name of Court :- Civil Judge (S.D.), Sillod.
- 3) Date :- 30.09.2024
- 4) Order signed by the presiding officer on :- 30.09.2024
- 5) Order uploaded on :- 01.10.2024