



R.C.S./24/2022

Ganesh Sainath Kaveti Vs. Municipal Corporation, Aurangabad

ORDER BELOW EXH.45

1. This is an application for substituting legal representatives of deceased defendant No.4 on record. Read the application and reply of the defendant corporation. Heard Ld. Advocates for the rival parties.
2. Ld. Advocate for the plaintiffs submitted that the defendant No.4 died on 30.09.2024. He is survived by the legal representatives named in this application. The suit is for perpetual injunction in respect of immovable property. Therefore, it is necessary to substitute her legal representatives.
3. Ld. Advocate for defendant corporation argued that there is no death certificate of defendant No.4 on record. Therefore, present application needs to be kept pending till such compliance by plaintiffs.
4. It is a matter of record that the defendant No.4 is reported to have died on 30.09.2024. The delay of eighteen days caused in making present application is condoned by this Court by an order below Exh.43. The suit is for perpetual injunction in respect of immovable property. Therefore, the right to sue survives against the legal representatives of deceased defendant No.4. There is no requirement of law to file death certificate for making an application to substitute legal representatives of deceased party. The plaintiff No.1 has made a statement on oath that defendant No.4 died on 30.09.2024 and he

was present at her funeral which is sufficient to allow this application. Hence, I pass the following order :

ORDER

1. Application stands allowed.
2. Permission granted to substitute the legal representatives of deceased defendant No.4 on record as prayed.

Date :-01.02.2025.

(Shri. N.H. Tikhe)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

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	: S.V. Shinde
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 01.02.2025
Order signed by the presiding officer on	: 01.02.2025.
Order uploaded on	: 01.02.2025.