

**ORDER BELOW EXH.24**

This is an application filed on behalf of in all six applicants being legal representatives/heirs of sole decree holder namely Jagannath S/o Kashinath Ghubade, who alleged to have died on 03/06/2024 i.e. during pendency of this execution proceeding. The applicants have sought permission to bring on record their names as decree holders on being only surviving legal heirs of deceased decree holder being a son, four daughters and a widow respectively. The application needs to allow with a view to get fruits of award/decreed under execution. Hence, they have urged to allow application.

2. Contesting Judgment debtor No.2 has opposed application by filing say through its learned advocate on reflect itself. However, it does not assign any reason for the same.

3. The proceeding is already order to be proceeded ex-parte against judgement debtor No.1 vide order passed below Exh.1 on 18/04/2017.

4. Heard, the learned advocates for the applicants and judgement debtor No.2. The contents of application are supported by an affidavit of applicant No.1 namely Avinash S/o Jagannathrao Ghubade vide Exh.25. The applicants have placed on record death certificate of sole decree holder namely Jagannath S/o Kashinathrao Ghubade alongwith list Exh.26. The contents thereof corroborate that, said decree holder died

on 03/06/2024. The present is filed on 04/07/2024 i.e. within prescribed time period after demise of said decree holder. Even otherwise, provisions of Order 22 Rule 3, 4 and 8 of the Code of Civil Procedure, 1908 will not apply to proceeding in execution of decree or order vide Rule 12 thereof. Judgement debtors No.2 has not assigned any reason for disallowing application.

5. As per oral submissions made by the learned advocate Mr. S. C. Sharma, for decree holder/applicants, now there is no stay order of the Hon'ble Appellate Court, for execution of this proceeding in terms of decision rendered by the Hon'ble Bombay High Court (Bench at Aurangabad) in First Appeal No.1928 of 2018 with Civil Application No.1047 of 2018 on 12th February, 2026. He has placed on record copy of said order alongwith list Exh-31, as well. The said fact is also not disputed on behalf of contesting judgement debtor No.2.

6. In view of aforesaid discussion, the application is deserves to be allowed. In the result, I pass the following order.

ORDER

1. The application (Exh.24) is allowed.
2. The applicants are hereby permitted to bring on record their names as legal representatives/heirs of deceased sole decree holder.
3. The costs in main cause.

Date :- 07/03/2026.

(S. S. Budruk)
Civil Judge Senior Division,
Majalgaon.