

The Prathamik Shikshak Sahkari Pat. Ltd., NashikDisputant

V/s.

Shri.Walmik Raghunath Sanap (Deceased)

Through LRs.

1-A] Smt.Rajani Walmik Sanap

And Others.

.....Opponents

ORDER BELOW Exh.563 and 564
(Delivered on 10/01/2023)

Perused the application and say. Heard both the sides. This application is filed by disputant to set-aside the abatement and to bring the legal heirs of deceased opponent No.2 Shri.Vijaykumar Jayram Kushare on record and to carry out necessary amendment. It is averred that the opponent No.2 died on 8/4/2021. The wife of deceased opponent No.2 was taken on record. However, there was no knowledge of two children of the opponent No.2. Hence, they could not be taken on record. It is necessary that all the legal heirs of deceased opponent No.2 be brought on record. Hence, the disputant has prayed that the remaining legal heirs of deceased opponent No.2 be brought on record and necessary amendment be carried out.

2] Say was filed on behalf of the proposed opponent No.2-B and 1-C wherein it is contended that disputant was aware of these opponents inspite of which they were not brought on record. No property has devolved upon the name of wife and children of

deceased opponent No.2. Hence, prayed to reject the application with cost.

3] It appears that the deceased opponent No.2 died on 8/4/2021. The wife of deceased opponent No.2 is already brought on record as opponent No.2-A. Hence, it cannot be said that there is any abatement. The reasons mentioned in the application are sufficient to allow the application, as substantial rights of parties are involved in the suit. Also to adjudicate the dispute on merit it is necessary that all the legal heirs of the deceased opponent No.2 be brought on record as the right to sue survives against the proposed opponents. As regards devolution of the property on the proposed legal heirs, this fact can be adjudicated only after adducing the evidence. In view of the above discussion, following order is passed.

ORDER

- 1) Application at Exh.563 and 564 are allowed.
- 2) The disputant is directed to carry out necessary amendment on before the next date.

Date:10/01/2023
Place:Nashik.

Sd/-
(Smt.R.P.Ghole)
Judge,
Co-operative Court,Nashik.