

MHGA040000842017



IN THE COURT OF CIVIL JUDGE (JUNIOR DIVISION),
ARMORI, DIST. GADCHIROLI
(Presided Over by Smt. Vaishali V. Choudhari)

R.C.S. No.07/2017

Laxman Dajibaji Kapkar and others

... **Plaintiffs**

-Versus-

Nanadkishor Jagnnath Sonkusare and others

... **Defendants**

Learned advocate for plaintiffs : Shri. A. N. Kankate

Learned advocate for defendants : Shri. C. L. Darekar

Order Below Exh.117

(Passed on 17th January, 2026)

The instant application is filed by the plaintiff for bringing legal representatives of deceased defendant No.5 Manda Rajendra Dhakate who died on 31.03.2025.

2] Ld. counsel for the plaintiff submitted that on 23.09.2025 the learned counsel for the defendant has filed pursis (Exh.116) before the Court apprising that defendant No.5 died on 31.03.2025. Hence, after coming to the knowledge about the death of defendant No.5 the plaintiff has moved the instant application for bringing Lrs. of deceased defendant No.5 on record. Hence, prayed for allowing the application.

3] Notice was issued to the proposed legal representatives namely Rajendra Anandrao Dhakate, Prathmesh Rajendra Dhakate and Shital Shekhar Nandanwar. On being served with notice proposed Lrs. appeared before the Court through their advocate Shri. Darekar and vide pursis

(Exh.124) submitted that they are adopting the written statement of defendant No.5 as their written statement.

4] It is seen that proposed legal representatives of defendant No.5 have no objection to add their names as legal representatives of defendant No.5. The suit is for specific performance of contract and for permanent injunction. Considering the nature of relief sought in the suit, the right to sue survives against the legal representative of deceased defendant No.5. No one objected the instant application and the death of defendant No.5. Therefore, for the reasons mentioned herein above and proper adjudication of the matter, it is necessary to bring and add proposed legal representatives of deceased defendant No.5 on record. Hence, I pass the following order.

Order

- 1] Application is allowed.
- 2] The plaintiff is permitted to bring legal representative of deceased defendant No.5 on record by carrying out necessary amendment in the plaint within the period of 14 days from today and to supply copies of amended plaint accordingly.

Date :17.01.2026

(Smt. V. V. Choudhari)
Civil Judge (Jr.Dn.), Armori