

CNR No. MHGA090001892018



IN THE COURT OF JOINT CIVIL JUDGE (JUNIOR DIVISION), CHAMORSHI
(Presided Over by Diksha D. Vighne)

Regular Civil Suit No. 09/2018

Parshuram Kawadu Bure

----- Plaintiff

-Versus-

Pundalik Doma Bure +5

----- Defendants.

Appearance:-

Advocate for Plaintiff :- Shri. V. G. Chilange

Advocate for Defendants :- Shri. K. T. Satpute

Order Below Exh.55

(Passed on 06/01/2023)

This is an application under Order XXII Rule 4 of C.P.C. for grant of permission to bring legal representative of deceased defendant no. 2 on record.

2. Perused application and say thereon. It is stated in the application that defendant no.2 Ishwar Doma Bure was died on 09-11-2021. The said fact was come to the knowledge of plaintiff when learned advocate for defendant had filed pursis on 06-12-2021 at Exh. 55. It is further stated by plaintiff that for proper adjudication of this suit it is necessary to bring legal representative of deceased defendant no.2 on record. For that plaintiff has filed this application and prayed for grant of permission.

3. Learned advocate for defendants has replied that application is strongly opposed.

4. Perused application and heard both parties. I have already condoned the delay of 276 days for bringing legal representative of deceased of defendant no.2 on record. On perusal of suit it is seen that the suit has filed for permanent injunction. In this suit the immovable property is involve. After the death of defendant no.2 the right to sue is survive in his legal representative. Thus, there is no hurdle to bring the legal representative of deceased defendant no.2 on record. Hence, I pass following order.

ORDER

1. Application is allowed.
2. Plaintiff is directed to bring legal representative of deceased defendant no.2 on record within two weeks from the date of this order.
3. Plaintiff is directed to carry out amendment in the plaint within two weeks from the date of this order and thereafter filed amended copy of plaint within one week after carried out amendment.

Date : 06-01-2023.

(Diksha D. Vighne)
Jt. Civil Judge (Jr.Dn.)
Chamorshi