



IN THE COURT OF JT. CIVIL JUDGE (JUNIOR DIVISION), CHAMORSHI

(Presided Over by S.A. Bhaisare)

Civ.M.A.No. 23/2025

Rukhamabai Anadrao Medpalliwar... Applicant

-VERSUS-

Dattu Narayan Peshtiwar ... Non-Applicant

COMMON ORDER BELOW EXH. 10 AND 11

(Passed on 09th April, 2026)

The present applications are made by plaintiff thereby soliciting to amend the plaint and add legal heirs of defendant no.1 in the suit. No reply filed despite sufficient opportunities.

2. Perused application.. Heard applicant. No arguments advanced by the defendant.

3. Perused the record. The application is filed for declaration of legal heirship certificate. It appears that the defendant no.1 is no more. The plaintiff ought to have brought the legal representatives of plaintiff within 90 days from the date of death of the defendant no.1 . He failed to do so. However, considering the nature of suit, the legal representatives of the defendant no.1 have a right, title or interest in the application. They are necessary parties. As such, right to sue survives against them. Hence, the abatement of the application needs to be set aside. They are required to be added in the suit to determine the real controversy and to finally adjudicate the dispute. It would also prevent multiplicity of proceedings. Hence, the following is order passed.

ORDER

1. The Application at Exh.10 and 11 are allowed.
2. The abatement of the application against the defendant no.1 is set aside.
3. The plaintiff is permitted to amend the plaint and add legal heirs of defendant no.1 on record.
4. The plaintiff is directed to make the necessary amendment on or before 29-04-2026 and supply of copy of the same to the defendant no.2.
4. In view of above terms, the application is disposed of.

Place:- Chamorshi
Date:- 09/04/2026.

Sd/-
(S. A. Bhaisare)
Jt. Civil Judge, (Jr.Dn.),
Chamorshi