

CNR NO. MHGA090004382016



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

R.C.S. 15/2016

Shubhendu Nitaipad Saha +1

----- Plaintiffs

-Versus-

Vishnupad Nitaipad Saha +4

----- Defendants

Appearance:-

Advocate for Plaintiff :- Shri. K.R. Mhashakhetri

Advocate for Defendants :- Shri. P. M. Dhait

Order Below Exh. 91

(Passed on 10/04/2024)

This is an application for grant of permission to bring legal representative on record.

2. Perused application and say thereon. It is contended by applicant that plaintiff no.1 namely Subhendu Nitaipad Saha was died on 09-12-2023. After his death his legal representative are required to be brought on record as right to sue survives. After death of deceased Subhendu Nitaipad Saha following persons are his legal representative.

1. Namita Subhendu Saha
2. Rakesh Subhendu Saha
3. Ashish Subhendu Saha
4. Mina Prashant Potdar

3. It is stated by applicant that for proper adjudication of this application legal heirs of deceased plaintiff no.1 has to be come on record. Hence, he has prayed for grant of permission to bring on record all legal

representative of deceased Subhendu Saha on record.

4. After receipt of this application the say of other side was called. He has submitted to pass suitable order.

5. On perusal of application and say there on. It is seen that, applicant has filed this application within period of limitation. The defendants have no objection regarding bringing legal representative of deceased plaintiff no.1 on record. The right to sue is survive in legal representative of deceased Subhendu Saha because this suit is filed for partition and injunction. The immovable property is involved in this suit. Thus, the right to sue is survive in legal representative of plaintiff no.1 Hence, I have find no hurdle for grant of permission. Accordingly, I pass following order.

Order

1. Application is allowed.
2. The plaintiff no.2 is directed to add legal representative of deceased plaintiff no.1 as a party on record.
3. Amendment to that effect shall be carried out and amended copy of application shall be filed on record within two weeks from the date of this order.

Date: 10.04.2024

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