

MHGA090007422021



IN THE COURT OF EXTRA JT. CIVIL JUDGE (JUNIOR DIVISION), Chamorshi
(Presided Over by S.A. Bhaisare)

Reg.C.S. No. 32/2021

Kawadu Waghu Naitam

... Plaintiff

-VERSUS-

Uttam Sudhanya Mandal

... Defendant

ORDER BELOW EXH.71

(Passed on 12th August, 2025)

The present application is made by plaintiff thereby soliciting to amend the plaint and add legal heirs of plaintiff no.1 in the suit. The application is opposed by the defendant by filing his say.

2. Perused application and reply thereon. Heard both the sides.
3. Perused the record. The suit is filed for perpetual injunction. It appears that the plaintiff no.1 died on 19-08-2024. The plaintiff ought to have brought the legal representatives of plaintiff within 90 days from the date of death of the plaintiff no.1. He failed to do so. However, considering the nature of suit, the legal representatives of the plaintiff no.1 have a right, title or interest in the suit property. They are necessary parties. As such, right to suit survive in their favour. They are required to be added in the suit to determine the real controversy and to finally adjudicate dispute. It would also prevent multiplicity of proceeding. Hence, the following is order passed.

ORDER

1. The Application at Exh.71 is allowed.
2. The plaintiff is permitted to amend the plaint and add legal heirs of plaintiff no.1 on record.
3. The plaintiff is directed to make the necessary amendment on or before 11-09-2025 and supply of copy of the same to the defendant.
4. In view of above terms, the application is disposed of.

Sd/-

Place:- Chamorshi
Date:- 12/08/2025.

(S. A. Bhaisare)
Extra Jt. Civil Judge, (Jr.Dn.),
Chamorshi