



ORDER BELOW EXH.42 IN R.C.S. NO. 335/2019

Subhash Mangave, etc. v/s. Balasahbe Patil, etc.

CNR No.MHKO050044502019

This is an application filed under Order 22 Rule 4 and Order 6 Rule 17 of the Code of Civil Procedure. Perused the application and say of defendants. Heard learned counsel for both sides.

2. The plaintiffs sought permission to bring on record the legal heirs of deceased plaintiff no.1 i.e. Subhash Annappa Mangave as plaintiffs and defendant and contest the suit. The defendants resisted the application and prayed to reject.

3. Death of the plaintiff no.1 is not disputed. Though the defendants resisted the application on the ground that that plaintiff no.2 is the legal heir of deceased plaintiff no.1 and already appeared in the suit and the suit may proceed without bringing legal heirs of deceased plaintiff no.1. It is fact that plaintiff no.1 left behind other heirs along with plaintiff no.1. They are also having interest in the property of plaintiff no.1. Plaintiff has filed the suit for perpetual injunction against the defendants. Therefore, it is clear that, right to sue survives to legal representatives of deceased plaintiff no.1. Legal heir of plaintiff namely Sunita Gudapule is unavailable for signature. In these circumstances, considering the reasons mentioned in the application and the principles of natural justice, present application deserves to be allowed. Hence,I proceed to pass following order:

ORDER

- 1 Application at Exh. 42 is hereby allowed.
2. LRs of deceased plaintiff no.1 be brought on record within 14 days as plaintiff and defendant as prayed, without any fail.
3. Plaintiff shall supply amended copy of plaint on the next date without any fail.

Dt. 24.01.2023

(S. S. Pednekar)
6th Jt. C.J.Jr. Dn., Ichalkaranji.