

MHKO070007392016



R.C.S.No.140/2016

**Shri.Sultan Aappalal Mujawar  
Vs.Shivaji Shankar Pawar etc 9.**

**ORDER BELOW EXH. NO. 27**

Perused application and say. Heard both the sides. Applicant prayed for bringing the Lrs of the deceased plaintiff No.1 Sultan Aappalal Mujawar on record. The learned advocate for the defendants endorsed their say on the application and submitted that, the relation mentioned in the application is not admitted.

2. Applicant submitted that, after the institution of the suit the plaintiff No.1 Sultan Aappalal Mujawar diled on 11/11/2021, the Lrs of the deceased plaintiff needs to be taken on record. Hence, applicant prayed for allowing the application.

3. Per contra, the learned advocate for the defendants endorsed their say on the application and submitted that, the relation mentioned in the application is not admitted.

4. The present suit is for permanent injunction in respect of the suit property. It is necessary that every suit to be decided on the merit. On perusal of the suit it seems that there are valuable rights of the Lrs of the plaintiff are involved in the suit. If the Lrs of the plaintiff has not given the opportunity to contest the suit then they will suffer the huge loss. The right to sue in respect of them survives. The other side submitted that, the relation is not admitted but the other side has not mentioned the true relations as per their contentions. Hence, at this

stage the said say can not be accepted. Therefore, considering the reasons stated in the application it needs to be allowed. Hence, I pass the following in the interest of justice.

**ORDER**

1. Application is allowed after depositing the cost vide Exh.25.
2. The order passed vide Exh.25 is treated as part and parcel of this order.
3. Parties to take note accordingly.

Date:- 15/07/2024

**(A.T.Mangire)**  
2<sup>nd</sup> Jt. Civil Judge, Jr. Div.,  
Jaysingpur

I affirm that the contents of this P.D.F. file Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri.R.L.Mane.
Name of Court	2 <sup>nd</sup> Jt.C.J.J.D.& J.M.F.C., Jaysingpur.
Date of Dictation.	15/07/2024.
Judgment/order signed by the PO on	15/07/2024.
Judgment/order uploaded on	15/07/2024.