



R.C.S.No.39/2018
Indira V/s Jayavant
CNR No.:MHKO100002222018

ORDER BELOW EXH. NO.40

This is the application moved by plaintiffs for seeking liberty to bring on record the legal representatives of deceased defendant no.2.

2. Plaintiffs averred that, defendant No.2 died on 21-07-2019. The suit filed for partition and perpetual injunction. The right to sue survives to legal representatives of defendant no.2. Therefore, it is necessary to bring legal representatives of defendant no.2 on record. Hence, this application.

3. Perused the say filed by defendants. Defendants contended that, necessary order may be passed.

4. I have heard learned advocates for both sides.

5. I have perused the present application, say filed by defendants and the death certificate of defendant no.2 at Exh.45. Reportedly, defendant no.2 died on 21-07-2019. The abatement order against defendant no.2 was set aside.

6. The suit filed for partition and perpetual injunction. The right to sue survives to legal representatives of defendant no.2. In order to enable the Court to effectively and completely adjudicate upon and settle all the questions

involved in the suit, it is necessary to allow the application to bring on record legal representatives of deceased defendant no.2. Hence, I pass following order -

ORDER

1. The application is allowed.
2. Plaintiffs are allowed to bring the legal representatives of deceased defendant no.2 on record on or before next date.

Date : 15-03-2021

(Ms B.A.Durgawade)
2nd Jt.C.J.J.D.,Gadhinglaj

Certificate

I affirm that the contents of this PDF file Judgment/order are same, word to word, as per the original Judgment/order.

Name of the Stenographer	Shri. G.S.Shinge
Court	2 nd Jt.C.J.J.D. & J.M.F.C., Gadhinglaj
Date	15-03-2021
order signed by the P.O. on	15-03-2021
order uploaded on	15-03-2021