

MHKO110000011986



Reg. Civil Suit No. 77/1986.

(CNR No.MHKO110000011986)

Order Below Exh.159.

(Bharmappa Bandule and others Vs. Ramu Musale and others)

The plaintiffs made the present application for bringing legal heirs of deceased defendant no.1-B namely Vilas Ramu Musale and defendant no.1-D namely Smt. Chingutai Nivrutti Ingavale, on record. Plaintiffs further submitted that, defendant no.1-B namely Vilas Ramu Musale was expired on 01/05/2022. He further submitted that, 1-B-1- Smt. Laxmibai Vilas Musale, 1-B-2- Babaso Vilas Musale, 1-B-3- Smt. Ranjana Vishwas Powar and 1-B-4- Smt. Shobhatai Ramchandra Jagtap are the legal heirs of the deceased defendant no.1-B. It is further submission of the plaintiffs that, defendant no.1-D namely Smt. Chingutai Nivrutti Ingavale was expired on 19/09/2021 and 1-D-1- Vithal Nivrutti Ingavale, 1-D-2- Shahaji Nivrutti Ingavale, 1-D-3- Rekha Gangadhar Kadam and 1-D-4- Lata Sambhaji Cougule are the legal heirs of deceased defendant no.1-D.

02. Defendants filed their say vide **Exh.161** and strongly objected the present application. It is further submission of the defendants that, reasons mentioned in the application are not reasonable. There is a delay near about four to five years, to make the present application. So, they prayed for the rejection of the application. Alternatively, they prayed for heavy costs.

03. Read application and say. Perused record. Heard to both the parties.

04. On perusal of record, it reveals that, the present suit is instituted for completion of the sale deed of the suit property as per the agreement. Plaintiffs filed an affidavit vide **Exh. 162** in the support of their contention. It is also seen from the record that, defendants filed the pursis vide **Exh.154**, submitting that, defendant no.1-B and defendant no.1-D are demised. After the death of defendant no.1-B and defendant no.1-D, right to sue survives on their heirs, therefore they are required to be taken on record. Therefore it is necessary to give permission to the plaintiffs for bringing legal representatives of deceased defendants on record. Therefore the application deserves to be allowed. Hence I pass following order -

ORDER.

1. The application is hereby allowed.
2. The plaintiffs are hereby permitted to bring legal representatives of deceased defendant no.1-B namely Vilas Ramu Musale and defendant no.1-D namely Smt. Chingutai Nivrutti Ingavale on record.
3. The plaintiffs are hereby directed to make necessary amendment in the plaint.
4. The plaintiffs are hereby directed to file amended copy of the plaint on record, accordingly.
5. Application is disposed off accordingly.

(**Shrinivas A. Kulkarni**)

Date : 25/06/2026.

Jt. Civil Judge Jr. Div., Peth-Vadgaon.