

MHKO110000081981



Regular Civil Suit No. 65/1989.
(CNR No.MHKO110000081981)

ORDER BELOW EXH.176.

01. The plaintiffs have made this application for bringing legal heirs of deceased defendant no.3 – Raghunath Rajaram Apparadh, on record. They submitted that, defendant no.3 – Raghunath Rajaram Apparadh, was expired on 03/04/2023. They further submitted that, 3-A-Suresh Raghunath Apparadh is the legal heir of deceased defendant no.3 – Raghunath Rajaram Apparadh.

02. The say of defendants was called. The defendants have filed their say on the leaf of application and strongly objected the application.

03. Read application and heard ld. advocate for the both sides. On perusal of record, it reveals that, plaintiffs have filed the suit for injunction against defendants. The defendant no.3 – Raghunath Rajaram Apparadh, was expired on 03/04/2023. The plaintiffs have moved separate applications for setting delay condonation and same is allowed. After the death of defendant no.3, right to sue survives on their heirs, therefore they are required to be taken on record. Therefore it is necessary to give permission to plaintiffs for bringing legal representatives of deceased defendant no.3, 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 defendant no.3 – Raghunath Rajaram Apparadh, 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 at Exh.176 is disposed off accordingly.

Date : 24/08/2023.

(**L. M. Pathan**)
Civil Judge Junior Division,
Peth Vadgaon.