

MHKO110002432020	<u>R.C.S. NO. 19/2020</u>
	<u>Ashok Namdevrao Patil</u>
	<u>Vs.</u>
	<u>Swapnil Eknath Buwa</u>

ORDER BELOW EXH. 63

Present application is filed by original defendants to delete the name of deceased defendant No. 3 Eknath Maruti Buva in counter-claim.

02. The original defendants contended that, the defendant No. 3 Eknath Maruti Buva was died on 17.11.202025. As his legal heirs i.e. defendant No. 1 and 2 are already on record, it is necessary to delete the name of deceased defendant No. 3 in the counter-claim. Hence, they prayed to allow the application.

03. The original plaintiffs have filed their say overleaf of the application and contended that, except defendant Nos. 1 and 2, there are another legal heirs i.e. wife and daughter of deceased defendant No. 3. As they are not party to the present counter-claim, it is necessary to implead them as legal heirs of deceased defendant no. 3. Hence, plaintiff prayed to reject the application with costs.

04. Perused the record. Heard Ld. advocate for both sides.

05. Present suit filed by plaintiff for permanent injunction against the defendants. Defendants have filed counter-claim alongwith written statement. Considering the submission of original

plaintiff, it appears that, remaining legal heirs of deceased defendant No. 3 i.e. his wife and daughter are yet to be bring on record. By present application, defendants want to delete the name of deceased defendant No. 3 and stated that, his legal heirs are exist on record. However, considering the contrary submission of original plaintiff, it is directed to the defendants that, to apply for bring all the legal heirs of deceased defendant No. 3 if any. Considering the part of application, application deserves to be allowed. Hence, following order is passed.

ORDER

Present application(Exh.63) is allowed subject to cost of Rs.500/-(Rupees Five Hundred Only) payable to plaintiff.

Date : 09/03/2026
Peth-Vadgaon.

(J. N. Bhasme)
Jt. Civil Judge Junior Division,
Peth-Vadgaon.