

MHKO110007542017



Reg. Civil Suit No. 78/2017.
(CNR No.MHKO110007542017)

Order below Exh. 61.

01. Plaintiffs made the present application for bringing legal heirs of deceased defendant no.2 – Dhanpal Kalappa Chougule on record. Plaintiffs submitted that, defendant no.2 – Dhanpal Kalappa Chougule was expired on 11/07/2024. They further submitted that, 2(A) Smt. Sumati Dhanpal Chougule, 2(B) Shri. Balasaheb Dhanpal Chougule, 2(C) Shri. Vinod Dhanpal Chougule and 2(D) Sangita Dhanpal Chougule are the legal heirs of deceased defendant no.2 – Dhanpal Kalappa Chougule.

02. Defendants filed their say on the leaf of the application, submitting that, necessary order be pass on the application.

03. Perused the application and say thereon. On perusal it reveals that, plaintiff has instituted the present suit for declaration and permanent injunction against defendants. The defendant no.2 – Dhanpal Kalappa Chougule was expired on 11/07/2024. Plaintiffs filed the death extract of defendant no.2 – Dhanpal Kalappa Chougule, alongwith list vide **Exh.63**. Upon perusal of the said death extract it is seen that, Dhanpal Kalappa Chougule is expired on 11/07/2024. The application is well within limitation. After the death of defendant no.2, right to sue survives on his 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.2 on record. Therefore

the application deserves to be allowed. Hence I pass following order :-

ORDER.

1. The application **Exh.61**, is hereby allowed.
2. Plaintiffs are hereby permitted to bring legal representatives of defendant no.2 – Dhanpal Kalappa Chougule on record.
3. Plaintiffs are hereby directed to make necessary amendment in the plaint.
4. Plaintiffs are hereby directed to file amended copy of the plaint on record, accordingly.
5. Application is disposed off accordingly.

Date : 28/11/2024.

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