

MHKO120003112014



Reg.Civil Suit No.93/2014
(CNR No.MHKO120003112014)

Order below Exh.36

Perused the application. Heard Advocate Shri. Powar for the plaintiff. The plaintiff has sought to issue summons to defendant No. 5 Suman Bhimarav Chougale in view of Order 5 Rule 20 of Code of Civil Procedure (Hereinafter C.P.C). Today I heard both sides. The record shows that the plaintiff have already filed an application below Exh. 29 for issuance of paper notice. Advocate Shri. Desai filed the say and submitted that defendant No. 5 is died on 03/04/2011. Accordingly my learned predecessor has directed to Advocate Desai and his client to file the death extract which resulted in to firing of death extract below list Exh. 38. I have gone through death extract. It shows the name Suman Rama Chougale. There is difference in the name. However, Advocate for defendant was very sure and confirm information at the time of firing of say to the applicaton below Exh. 29 about the death of defendant No. 5. Even Adovate Desai has rightly mentioned the death of defendant No. 5. Thus one thing is clear that though there is a difference of name, but defendants are very sure that defendant No. 5 is died, otherwise Advocate Desai would not make the submission and file the say about the death of Suman Chougale by mentioning the correct date of death. Hence,

defendant No. 5 is died. Thus, the plaintiff have to take proper steps as per law. Hence, issuance of public notice would not served the purpose. In the result, I pass following order.

ORDER

- 1) The plaintiff shall take proper steps in respect of defendant No.5 as per law.
- 2) The application is disposed off.

Date : 17/02/2025

(V. V. Kulkarni)
Civil Judge Junior Division,
Gargoti