

MHKO130003162008

RCS NO. 67/2008



Sou. Shalabai Dashrath Lohar & Ors.

Vs.

Shri Janaba Tukaram Sutar & Ors.

ORDER BELOW EXH. 215.

01. The present application is filed by the plaintiffs to bring on record legal-heirs of the deceased defendant No. 3 Jotiram Tukaram Sutar, who died on 29/08/2023. It is submitted that, legal-heirs of deceased Jotiram Tukaram Sutar needs to be come on record. Thus, for the same purpose, the current application is filed.

02. In spite of sufficient time & opportunity has been given to the proposed L.Rs. & defendant to file say, they failed to file say. Hence, considering the age of the matter & time consumed for filing say, in the interest of justice, application is proceeded without say of the defendants & proposed L.Rs.

03. Perused the record of the case. Heard both the sides.

04. No doubt, it is clear that, deceased defendant no. 3 Jotiram Tukaram Sutar has died on 29/08/2023. His death certificate is on record. Now, as the defendant No. 3 is dead, his heirs needs to be come on record for deciding the real dispute between the parties. Considering the record, names of legal heirs should be taken on record so as to provide an opportunity during the proceeding as the right to sue is survived. Considering all these aspects, the application deserved to be allowed and the names of the Legal heirs of defendant no. 3 should be taken on record. Therefore, I proceed to pass following order:-

	<u>ORDER</u>
1.	Application is allowed.
2.	The names of Legal-heirs of deceased defendant no. 3 Jotiram Tukaram Sutar are taken on record and they are permitted to proceed further as defendants no. 3/A & 3/B.
3.	The plaintiffs are directed to amend the plaint and supply the amended copy of plaint on or before next date.

Kagal.
Date: 05/07/2025.

(Smt. Pranita S. Patil)
Jt. Civil Judge Junior Division
Kagal.