

MHKO130004802016

RCS NO. 131/2016



Sou. Suman Baburao Khot

Vs.

Shri. Sadu @ Sadashiv Dadu Todkar

ORDER BELOW EXH. 61

01. The present application is filed by the plaintiff to bring on record legal-heirs of the deceased defendant No. 2 Dasharath Sadu @ Sadashiv Todkar, who died on 16/08/2023. It is submitted that, legal-heirs of deceased Dasharath Sadu @ Sadashiv Todkar needs to be come on record. Thus, for the same purpose, the current application is filed.

02. The application is objected by the defendants. It is submitted that, the said application is false & incorrect. The plaintiff has intentionally delayed to bring the legal-heirs on record. The death of defendant no. 2 is already known to the plaintiff. Hence, they submitted to reject the application.

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

04. No doubt, it is clear that, deceased defendant no. 2 Dasharath Sadu @ Sadashiv Todkar has died on 16/08/2023. Copy of death certificate is on record. Now, as the defendant No. 2 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. 2 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. 2 Dasharath Sadu @ Sadashiv Todkar are taken on record and they are permitted to proceed further as defendants no. 2/A to 2/C.
3.	The plaintiff is directed to amend the plaint and supply the amended copy of plaint on or before next date.

Kagal.
Date: 12/12/2024.

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