

MHKO130005882014



COMMON ORDER BELOW EXH. 17 & 21 IN
R.C.S. No. 142/2014

The application (Exh.17) is filed by the plaintiff for bringing three LR's of defendant No. 1 and application (Exh.21) is filed for bringing remaining LR's after objection of defendants.

2. It is submitted by plaintiff that, defendant No. 1 died on 22/03/2015 and the proposed LR's are only representative to deceased defendant No. 1. Hence, they permitted on record.

3. Defendants filed their say and submitted that, the wife of defendant No. 1 was not shown as representative of deceased defendant No. 1. Hence, the application be rejected.

4. Perused the application and say filed thereon. Heard Ld. Advocate for defendants. Studied Order 22 of the Code of Civil Procedure. The suit is for specific performance. Therefore, the cause of action is survive. Hence, it is necessary to permit to bring the LR's of defendant No. 1. As per the defendants, the plaintiff has not applied for bringing of all LR's on record but by filing application (Exh. 21), the plaintiff also prayed to bring the wife of deceased on record as LR's. Therefore, no substance remain in the objection of defendant. Therefore, the applications are liable to be allowed. Hence, the following order is passed.

ORDER

1. Permission to bring all four LR's of defendant No. 1 is granted.
2. Plaintiff shall carry out the necessary amendment within prescribed time limit.

Kagal.

Date:- 06/01/2020

Sd/-

(V.H.Khedkar)

Civil Judge Junior Division,
Kagal.