

	<b><u>ORDER BELOW EXH.127 IN R.C.S. NO. 8/2008</u></b>
	<b>Sou. Krupa Maruti Hallikar</b>
	<b>Vs.</b>
	<b>Shri. Benjamin Tatoba Dhupdale</b>

This is a suit for separate possession and perpetual injunction. By application filed at Exh.127, vide Order XXII, Rule 3 r/w. Order VI, Rule 17, plaintiff prayed to implead the L.Rs. of deceased defendant No.7 namely, Nayansukh Santram Dhupdale. In the application it is contended that, defendant No.7 has died on 01/02/2022 leaving behind his legal heirs whose names are mentioned in para No. 1 of this application. Application is in within limitation. Thus, plaintiffs sought permission to bring L.Rs. of deceased defendant No.7 on record. Application is supported with affidavit of plaintiff.

2. Defendant No.5 has strongly objected application by filing his say at the overleaf of application and prayed to reject the same.

3. Heard, Shri. R.P. Bandivadekar, the ld. Advocate for the plaintiff and Shri. S.K. Sawant, the ld. Advocate for the defendant No.5.

4. It is a matter of record that, defendant No.7 died on 01/02/2022 as per death certificate attached vide list Exh.135. This application is filed on 28/03/2022. Thus, the application is in within limitation. Considering the nature of the suit presence of L.Rs. of deceased defendant No.7 is necessary. There would be no hardship to the defendants if the application is allowed. On the contrary, if the application is not allowed, there would be loss to the plaintiff and L.Rs. of defendant No.7. Thus, the application deserves to be allowed. Hence, following order.

**ORDER**

Application at Exh.127 is allowed.

The plaintiff is permitted to bring L.Rs. of deceased defendant No.7 on record whose names are mentioned in para No. 1 of the application.

The plaintiff to carry out necessary amendment in the plaint title within 14 days for passing of this order and also to file amended copy of the plaint along with copies thereof to supply them to all the defendants on record and also to file a copy of the amended plaint for preparation of decree.

Parties to note.

Date : 03/05/2024

(C.U. Shipkule)  
Civil Judge, Jr.Dn., Chandgad.