


MHKO140002322007 	<b>R.C.S. No.34/2007</b> <b>Appa Rama Kadalgekar</b> <b>V/s.</b> <b>Yalappa Subhana Kotekar and Ors.</b>
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**ORDER BELOW EXHIBIT 95**

**(Passed on - 07/01/2025)**

1. The present application is filed by plaintiffs for bringing the legal representatives of the deceased defendant no.1 on record.
2. It is contended that, during pendency of suit, the defendant no.1 is died on 01.02.2024. The legal representatives of the deceased are – 1A. Subhana Yallapa Kotekar, 1B. Sattu Yallapa Kotekar, 1C. Parsu Yallapa Kotekar. They are the only legal heirs of the deceased. It is necessary to bring them on record as legal representative of deceased defendant. If the application is not allowed then plaintiffs will suffered irreparable loss. Hence, present application.
3. The ld. advocate for defendants filed say and submitted to pass necessary order.
4. Perused the record. Read the application, and documents. Heard the learned advocate for the both side.

**REASONS**

5. The present application is supported by an affidavit. However, there is no dispute that the defendant no.1 is died on 01.02.2024. The application is filed within limitation. There is no dispute that,

the persons named in the present application are the legal representatives of the deceased.

6. The present suit is filed for partition and perpetual injunction. Considering the nature of suit, the rights in respect of immovable property is going to be decided in the present suit. The right to sue survives against the defendants. Therefore, It is necessary to bring the legal representatives of the deceased on record. In order to avoid multiplicity of litigation, it would be proper to add legal representative of deceased as party to the suit. Moreover, If they are added as party then no prejudice will be caused to other side. On the contrary it would help in deciding the suit on merit. Thus I pass following order.

#### **ORDER**

1. The application is allowed
2. The legal representative, as prayed, of the deceased defendant no.1 be added as party to the suit.
3. The plaintiffs to carry out the amendment in the plaint as prayed.

Sd/-

Date-07/01/2025  
Chandgad.

(Waman D Jadhav)  
Jt. Civil Judge Junior Division, Chandgad.