


MHKO140003422016	<u>ORDER BELOW EXH. 41 IN R.C.S. NO. 84/2016</u>
	Dattu Chandru Gawade Vs. Ravaji Gawade

1. This is a suit for partition, separate possession and permanent injunction. By this application filed at Exh.41, vide Order XXII, Rule 3, applicants have prayed to grant permission to bring L.Rs. of deceased defendant no. 20. In the application it is contended that, defendant no.1 has died on 12/04/2017 leaving behind thier legal heirs whose names are mentioned in this application. Thus, applicants sought permission to bring L.Rs. of defendant no. 20 on record. Application is supported with affidavit of plaintiff no.2.

2. Heard, the ld. Advocate for the plaintiffs and the defendants.

3. It is a matter of record that, defendant no. 20 died on 12/04/2017 as per death certificate. The name of L.Rs. of said defendant No.20 are mentioned in this application. The present application is filed on 29/09/2025. The delay for making application for setting aside the abatement against the defendant no. 20 is condoned vide order below Exh.40. Considering the nature of the suit, the right to suit survives to the plaintiff against the L.Rs. of def. no. 20. Therefore, L.Rs. of defendant no. 20 are required to brought on record. 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 plaintiff and the L.Rs. of defendant no.20. Thus, the application deserves to be allowed. Hence, following order. Therefore, L.Rs. of defendant no. 20 are required to brought on record. Thus, the application to be allowed. Hence, following order.

ORDER

1. Application at Exh.41 is allowed.
2. The applicants are permitted to bring L.Rs. of defendant no. 20 on record whose names are mentioned in this application.
3. The applicants 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.
4. Parties to note.

Date : 01/10/2025.

(V.S. Agarwal)
Civil Judge Jr.Dn., Chandgad.