

MHKO180002552015

Regular Civil Suit No.88/2015.



Balappa Atmaram Sutar thru. LRs & Ors.

Versus

Bandu Gnapati Sutar & Ors.

Order below Exh.111.

This application is filed under Order 22 Rule 3 of Civil Procedure Code (CPC) for bringing the legal heirs of deceased plaintiff No.6 Damodar Shankar Sutar on record who has died on 08/11/2024.

02. Perused application. Say not filed by defendants. Heard both sides.

03. It is the submission of the applicants that, plaintiff No.6 Damodar Shankar Sutar has died on 08/11/2024. Deceased was conducting the suit and his LRs are unaware of this suit and legal procedure. They also suffered with a trauma of his death and after recovery from said trauma LRs collected the required documents, information and filed this application. The applicants now want to bring their names on record as legal heirs of deceased plaintiff No.6 and contest the suit on merits. Suit is filed for perpetual injunction. Proposed LRs are necessary party to this suit. Right to sue survives. No prejudice would be caused to other side. Hence, prayed to allow this application.

04. On the contrary, defendants objected this application by filing say. It is submitted that the averments in the application are false. Hence, application be rejected with costs.

05. Perused the application, say and record of the case. Suit is for perpetual injunction. Plaintiff No.6 died on 08/11/2024. Right to sue survives. Proposed LRs of deceased plaintiff No.6 are

essential party to the suit. Delay has been condoned and abatement is also set aside. Hence, the application deserves to be allowed. In result, following order is passed.

ORDER

1. Application is allowed.
2. Plaintiffs shall bring the legal heirs of deceased plaintiff No.6 Damodar Shankar Sutar on record on or before next date.

Place: Kurundwad.
Date : 19/09/2025.

(Smt. V. R. Mane)
Jt. Civil Judge Jr. Dn., Kurundwad.