

MHKO180007352025



Regular Civil Suit No.176/2025.

Savubai Appa Awaghadi & Ors.

Versus

Krushna Sidram Avaghadi & Ors.

Order below Exh.14.

Plaintiff has filed this application under Order 22 Rule 4 of Civil Procedure Code (CPC) for bringing the LR's of deceased defendant No.4 Laxman Balu Avaghadi on record.

02. Plaintiff submitted that, suit is for specific performance of contract. Defendant No.4 has died on 08/10/2025. Proposed parties are the only legal heirs of deceased defendant No.4 and are necessary party to this suit. Right to sue survives on surviving defendants. Hence, he prayed to allow this application. Defendants filed say and submitted that application is not tenable as defendant No.4 has died prior to filing of this suit. Hence, it be rejected.

03. Perused application and say. Heard both sides. Perusal of record reveals that, suit is filed for permanent injunction. Defendant No.4 Laxman Balu Avaghadi has died on 08/10/2025. This application is filed on 17/11/2025. Application is well within limitation. Proposed parties being the only LR's of deceased defendant No.4, they are necessary party to this suit as right to sue survives. Hence, the application deserves to be allowed. In result, following order is passed :

ORDER

- i) Application is allowed.
- ii) Permission granted to bring legal heirs of deceased defendant No.4 Laxman Balu Avaghadi on record on or before next date.

Place: Kurundwad.
Date: 26/11/2025.

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