



ORDER BELOW EXH.36 IN R.C.S. NO.368/2017  
[Mahaveer Benichtage v. Chavgonda Patil and Ors.]

The plaintiff has filed present application for bringing on record legal heirs of deceased defendant No.6.

02. Defendant Nos.1, 2, 4, 5, 7 and 8 have strongly resisted present application by filing their say on overleaf of present application. They contended that, the application is devoid of merits. Hence, they prayed that, the application may be rejected.

03. In spite of service of notice, legal heirs of defendant No.6 failed to appear and file their say on present application. Hence, present application proceeded ex-parte against legal heirs of defendant No.6.

04. Heard learned advocates for the plaintiff and defendant Nos.1, 2, 4, 5, 7 and 8, at length. Arguments are set-forth in consonance of their pleadings.

05. On perusal of record and proceeding, it appears that, defendant No.6 has died on 06.08.2025. Present application is filed within the period of limitation. This is a suit for recovery of possession of encroached land. Considering nature of the suit as well as contentions and submissions of both the parties, it is necessary to bring on record legal heirs of deceased defendant No.6. Hence, present application deserves to be allowed. Resultantly, I pass following order :-

**:: ORDER ::**

1. Application (Exh.36) is hereby allowed.
2. The plaintiff shall bring on record legal heirs of deceased defendant No.6 and file amendment copies of the plaint till next date as per rule.

3. Both the parties shall bear their own costs.

(Dictated and pronounced in the Open Court).

Date : 16.01.2026.  
Kurundwad.

( Balasaheb S. Gaikwad )  
Civil Judge, Junior Division,  
Kurundwad.