


<p>MHKO200000972020</p> 	<p><u>R.D.No.1/2023 ORDER PASSED BELOW</u> <u>EXH.13</u></p> <p><u>Ashok Annappa Kumbhar Vs. Smt Anandi</u> <u>Shripatro Kumbhar (deceased)& Ors.</u></p>
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This is an application preferred by the J.D. under Order XXII, Rule 4 of the Code of Civil Procedure, 1908, seeking to bring the legal representatives of the deceased D.H.No. 3 on record of the suit.

02. It is the submission of the J.D. that the D.H.No. 3, namely Mr. Shamrao Shripati Kumbhar, died on 20.07.2023. He has left behind his wife, son and daughter namely Smt. Shobha Shamrao Kuambhar, Mr. Rakeash Shamarao Kumbhar and Mrs.Rupali @ Snehal Vijay Kudalkar as his legal heirs. They also submitted that despite of his death, the right to sue still continues to survive. Therefore, he prayed that it is necessary to bring them on record.

03. The J.D.No.3 and LR's of J.D.No.3 failed to file their say on this application hence 'No say' order was passed against them.

04. Heard the learned Advocate for the D.H. Perused the record and the application. The D.H. has also produced the death certificate of the J.D.No.3 on Exh.12. Upon perusal of the death certificate, it is seen that he died on 20.07..2023. The deceased J.D.No.3 is survived by wife, son and daughter. They are the only legal heirs of the deceased J.D.No.3. Therefore, it appears that right to sue continues to survive.

05. In order to dispose of this execution petition, it is necessary to take LR's of J.D.No.3 on record of this execution petition. Therefore, this Court finds it proper to allow the present application. Now, I proceed to pass the following order :-

ORDER

1. The application at Exh. 13 is allowed with costs.
2. The D.H.is allowed to bring the legal representatives of the J.D.No.3. on record of the suit within 14 days from the date of this order.
3. Costs in main cause.

Kale-Kheriwade.
Date-24.01.2025.

(H.M.Patel)
Ext.Jt.Civil Judge Jr. Dn.
Kale-Kheriwade.