

Order below Exh.82 In R.C.S. No.355 of 2014

Passed on this 19th day of April, 2025)

**Shriram Vrs. Uttam & Ors.
CNR NO.MHLA060011452014**

01. This is an application filed by the proposed legal heirs deceased plaintiff to take them on record after death of the plaintiff.

02. Perused the application and say of the defendants filed overleaf. Perused the record .

03. It is the averment in the application that, the plaintiff has no other heirs than mentioned in the application. The applicants LRs are ready to contest the suit. The property involved in the suit is valuable immovable property. Therefore, requested to allow the application and take them on record as plaintiff.

04. The defendants contended that, the plaintiff has a daughter from his first wife. The applicants have deliberately omitted her name and failed to array her. Thus, requested to reject the application.

05. In view of the say submitted by the defendants, both the parties were directed to lead evidence on that point. The proposed LRs of the plaintiff submitted death certificate of the plaintiff, self declaration certificate as to heirs of deceased plaintiff and heirship certificate of the plaintiff issued by this Court on 20.06.2024 in Civil M.A. no.534/2023. The LRs of the plaintiff closed their evidence to the extent of this application vide pursis Exh.89 and the defendants closed their evidence

without leading any evidence vide pursis Exh.90.

06. The date of death of deceased plaintiff is 08.09.2023 the application is dated 16.10.2023. Therefore the application is within limitation. The heirship certificate issued by this Court shows that the proposed LRs are the legal heirs of the deceased plaintiff except Lr No.4/1 namely Arun Tukaram Zade. The heirship certificate does not disclose objection taken by anyone to issue certificate in the name of the proposed LRs. The defendants failed to lead any evidence about the other heir of the deceased plaintiff. Therefore, there seems no merit in the say and objection thereby taken by the defendants. Thus, the application deserves to be partly allowed. Hence, I pass the following order;

ORDER

1. The application is partly allowed.
2. The proposed LRs of the plaintiff mentioned in the application except 4/1 namely Arun Tukaram Zade are allowed to contest the suit as legal heir of deceased plaintiff.
3. The LRs of the plaintiff are to amend the title clause of the plaint accordingly within two weeks from today and file fresh copy of the plaint.

Place: Ahmedpur.

Date:- 19.04.2025.

(Swanandi D. Wadgaonkar)

2rd Jt. Civil Judge, J.D.,

Ahmedpur.