



Reg. Civil Suit No. 101 of 2015
(Nilesh Vs. Kisan & ors.)

ORDER BELOW EXH.65
(Passed on 09.07.2025)

1. This is an application moved at the instance of the plaintiff and thereby sought for bringing LRs of deceased defendant No.5 viz. Daivshala Santosh Waghmare on record.
2. Perused the application and say filed thereon by defendants overleaf the application. Perused the record. Heard arguments of both sides.
3. By way of this application, it is the case of the applicant that defendant No.5 viz. Daivshala Santosh Waghmare came to be passed away on 04.11.2021. The suit is for partition and therefore her legal representatives needs to be brought on record. Deceased defendant No.5 has left behind her in all 3 heirs i.e. Suraj Santosh Waghmare, Ajay Santosh Waghmare and Santosh Vishwanath Waghmare. According to the applicant, they are the only legal heirs of the deceased defendant No.5. Hence, the instant application for the relief sought for.
4. The defendants vide their say overleaf the application has submitted that an appropriate order may kindly be passed. Admittedly the suit was instituted against defendant No.5 along with other defendants. The right to sue survives in the LR's of the deceased defendant No.5. The instant application is moved within limitation. The suit is for partition and valuable rights of the litigating parties are involved therein. Thus, the application needs to be allowed. In the result, following order is passed :

ORDER

- 1) The application (Exh.65) is hereby allowed.
- 2) The necessary amendment be carried out within 14 days from today itself.

(2)

- 3) Issue summons to the LRs of deceased defendant No.5 in Form No.6 of Appendix B in the First Schedule to the Code of Civil Procedure, 1908.
- 4) Parties to take note.

Date : 09.07.2025

(Bhalchandra R. Zende)
3rd Jt. Civil Judge (J.D.),
Udgir.