

MHLA11-000197-2008

Order below application vide Exh.460
in RCS No. 181/2008
Sou. Kalubai and Ors. Vs. Pandurang and Ors.

Perused contents of the application and say thereon. Heard to both sides. Perused record and proceeding. Learned advocates for the parties submitted contents of the application and say thereon. The record reveals that, defendant No.1 Pandurang Govindrao Ghadge expired on 31.07.2025. Death extracts filed along with list vide Exh.459 also reveals that, defendant No.1 Pandurang Govindrao Ghadge expired on 31.07.2025. The present application is also filed on 07.10.2025.

2. The application discloses that, defendant No.1 Pandurang Govindrao Ghadge expired on 31.07.2025. He has legal heirs viz. 1. Sulochana Pandurang Ghadge, 2. Satish Pandurang Ghadge, 3. Dnyanoba Pandurang Ghadge, 4. Bapurao Pandurang Ghadge, 5. Savita Govind Garad and 6. Asha Ravikant Nikam. Legal heirs namely Sulochana, Satish, Dnyanoba and Bapurao are already impleaded as defendants No.13 to 16 in the present suit. Therefore, the plaintiff lastly prayed to make legal heirs Savita and Asha as parties to the present suit. The defendants contended that, cause of action does not survive against the aforesaid legal

heirs. The suit cannot be proceeded against legal heirs. Legal heir of Kalubai are absent in the application. Sulochanabai cannot file the application. Sukumarbai has not been born from Govind. She is not sister of defendant No.1. Legal heirs of plaintiff No.1 ought to apply. Application is not maintainable. So, the same is objected.

3. However, present application is supported with affidavit vide Exh.461 whereby aforesaid legal heir Vijaykumar affirmed that defendant No.1 Pandurang Govindrao Ghadge expired on 31.07.2025 and he has aforesaid legal heirs. Furthermore, the suit is for partition and separate possession of the share. The defendants denied entire claim of the plaintiffs. The defendants lastly contended to dismiss the suit. Therefore and considering the rival pleadings, it makes clear that right to sue survive against the aforesaid legal heirs. Other issues raised by the defendants requires the trial for its appropriate determination.

4. Furthermore, whether the plaintiff will be entitled for the reliefs sought for or not will be decided after conclusion of trial and on merits. So also, the parties will have an opportunities to adduce their evidence and cross examine the witnesses. Therefore and considering nature of the suit, no prejudice will cause to the defendants or aforesaid heirs by adding them as parties to the suit. In such circumstances, the aforesaid legal heirs will have to be made parties to the present suit. As a result, I pass following order.

ORDER

1. Application vide Exh.460 is allowed.
2. The plaintiff is hereby permitted to make parties to legal heirs namely 5. Savita Govind Garad and 6. Asha Ravikant Nikam of deceased defendant No.1 Pandurang Govindrao Ghadge and accordingly amendment in title clause of the plaint.

	(R. V. Pande)
Date :23/06/2026	Civil Judge, Senior Division, Nilanga,
Place: Nilanga	District Latur.