

MHLA110004112019

**Order below application vide Exh.149 in RCS No. 261/2015**  
**Marutirao Vs. Vitthalrao 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.

2. The application discloses that, the plaintiff Maruti Vyankatrao Dhobale expired on 07.11.2025. He has legal heirs viz. 1. Vimal Marutirao Dhobale, 2. Usha Pandurang Ranmal, 3. Chaya Ashok Shinde, 4. Lata Balasaheb Doke and 5. Nitin Marutirao Dhobale. The aforesaid legal representatives filed present application to make them parties to the suit as they are legal representatives of the plaintiff deceased Maruti Vyankatrao Dhobale who is expired on 07.11.2025. Defendants No.1/5/1 to 1/5/4, 1/6 to 1/8, 3 and 4 objected the application on the grounds that whether other heirs are having to deceased plaintiff or not is not mentioned in the application. Defendant No. 2 remained absent when called. He failed to file his say. The suit is old one i.e. of year 2015. It should be proceeded on priority basis. Therefore, the present application is proceeded further without say of defendant No.2.

3. Present application is supported with affidavit vide Exh.150 whereby Nitin Dhobale affirms that the plaintiff deceased Maruti Vyankatrao Dhobale expired on 07.11.2025 and he has aforesaid legal heirs. Furthermore, the suit is for declaration of ownership and recovery of possession of the suit

property from the defendants. The parties are alleged to have been inter-se relatives. After demise of Vyankatrao, names of his heirs are entered into revenue record. The suit property is alleged to have been received in the partition. The deceased plaintiff had lastly prayed for declaration of ownership and recovery of possession of the suit property from the defendants. The defendants denied entire claim of the plaintiff. The defendants lastly contended to dismiss the suit. Therefore and considering the rival pleadings, it makes clear that, right to sue survives to the aforesaid legal representatives against the defendants. The present application is also filed on 11.12.2025. Defendants No.1/5/1 to 1/5/4, 1/6 to 1/8, 3 and 4 never raised any issue with respect to limitation for filing the present application. Moreover, death extract and heirship certificate issued by Grampanchayat, Dhobalewadi filed along with list vide Exh.146 reveal that the plaintiff expired on 07.11.2025 and he has aforesaid legal representatives.

4. Furthermore, whether the aforesaid legal representatives 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, no prejudice will cause to the defendants by adding the aforesaid legal representatives as parties to the suit. In such circumstances, permission will have to be granted to the aforesaid legal representatives to have a parties to the suit. As a result and in the interest of justice, I pass following order.

**ORDER**

1. Application vide Exh.149 is allowed as prayed.

Date :11/12/2025  
Place: Nilanga

( R. V. Pande)  
Civil Judge, Senior Division, Nilanga,  
District Latur.