

MHLA110004782022

Order below application vide Exh.57 in RCS No. 49/2022
Arpita and Ors. Vs. Umabai 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, defendant No.1 Umabai Dnyanoba Bodhale expired on 10.10.2025. She has legal heirs viz. 1. Manisha W/o. Yashwant Suryawanshi, 2. Shubhangi W/o. Dhananjay Gaikwad and 3. Kum. Arohi D/o. Dhananjay Bodhale. Except them, defendant No.1 has no other legal heirs. Therefore, the plaintiffs lastly prayed to make parties to the aforesaid legal representatives of deceased defendant No.1. The defendants contended to pass appropriate order.

3. Present application is supported with affidavit vide Exh.58 whereby plaintiff No.3 Anuradha affirms that defendant No.1 Umabai Dnyanoba Bodhale expired on 10.10.2025 and she has aforesaid legal heirs. Furthermore, the suit is for cancellation of sale-deeds, partition of the suit property and perpetual injunction. 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 survives to the plaintiffs against the aforesaid legal representatives. The present application is also filed on

28.10.2025. Defendants never raised any issue with respect to limitation for filing the present application. Moreover, death extract filed along with list vide Exh.60 reveal that defendant No.1 expired on 10.10.2025 and she has aforesaid legal representatives.

4. Furthermore, whether the plaintiffs 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 plaintiffs to make parties to the aforesaid legal representatives of deceased defendant No.1 Umabai Dnyanoba Bodhale. As a result, I pass following order.

ORDER

1. Application vide Exh.57 is allowed.
2. The plaintiffs are permitted to add aforesaid legal representatives of deceased defendant No.1 Umabai Dnyanoba Bodhale as a parties in the suit and accordingly amendment in title clause of the plaint.

Date :16/12/2025
Place: Nilanga

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