

MHLA11-001119-2022

Order below application vide Exh.40 in RCS No. 489/2022
Angad Vs. Vrshiket 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 Vrshiket Madhavrao Shivpure expired on 19.03.2025. He has legal heirs viz. 1. Vitthal Vrshiket Shivpure, 2. Balaji Vrshiket Shivpure and 3. Dhanaji Vrshiket Shivpure. Therefore, the plaintiff lastly prayed to make parties as legal representative of deceased defendant No.1. The defendants contended that, there is no heirship certificate and the present application is inappropriate.

3. However, present application is supported with affidavit vide Exh.41 whereby plaintiff Angad affirmed that defendant No.1 Vrshiket Madhavrao Shivpure expired on 19.03.2025 and he has aforesaid legal heirs. Furthermore, the suit is for demarcation and fixation of boundaries of suit property by way of joint measurement and perpetual injunction. 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 plaintiff against the aforesaid legal representative of deceased defendant No.1. The present application is also filed on

19.04.2025. The present application proceeded ex-parte against the aforesaid legal representatives as per order dated 14.07.2025 passed below application vide Exh.40.

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, no prejudice will cause to either aforesaid legal representative or to the present defendants by adding the aforesaid legal representative as party to the suit. More so, considering rival pleadings, reliefs sought for and controversies, presence of the above said legal representatives is required for final adjudication of the matter on merits. In such circumstances, permission will have to be granted to the plaintiffs to make parties to the aforesaid legal representative of deceased defendant No.1 Vrushiket Madhavrao Shivpure who expired on 19.03.2025. As a result, I pass following order.

ORDER

1. Application vide Exh.40 is allowed.
2. The plaintiff is permitted to add aforesaid legal representative namely 1. Vitthal Vrushiket Shivpure, 2. Balaji Vrushiket Shivpure and 3. Dhanaji Vrushiket Shivpure of deceased defendant No.1 as parties in the suit and accordingly amendment in title clause of the plaint.

Date :20/02/2026
Place: Nilanga

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