

Order below Exh.93 in

R.C.S.No.407/2015

CNR-MHLA-000422-2015

(Subhash & Ors Vs. Chandrakant & ors)

Heard learned advocate for plaintiffs and defendants. The defendant No.1 Chandrakant Vishwanath Mahajan is reported to have died on 20/04/2021.

2. Defendants filed their say and prayed for rejection of application.

3. The deceased defendant No.1 Chandrakant Vishwanath Mahajan is survived by widow. They are the legal heirs of the deceased defendant No.1. The right to sue, therefore survives.

4. The date of death is 20/04/2021 and the application is filed on record on 13/11/2021 i.e. beyond the 90 days from the date of the death of the defendant No.1. The application is supported by an affidavit. The plaintiff has sufficient cause which prevented him from making application for bringing the Legal representatives on record. The abatement needs to set aside.

5. In order to enable the court to effectively and completely adjudicate upon settle all the questions involved

in the suit, it is necessary to allow the application to bring on record the legal representatives of deceased defendant No.1. There are no other heirs except those named in the applications. It is therefore necessary in the interest of justice to allow the application.

Order

1. The applications (Exh.93) is allowed.
2. The abatement order passed against the defendant No.1 is set aside in the interest of justice.
3. The plaintiff is allowed to bring the legal heirs of the deceased defendant No.1 on record of the suit within 14 days from today.

Nilanga

Date:- 03/12/2021.

(K.S.Suryawanshi)

Civil Judge, Senior Division,
Nilanga.