

ORDER PASSED BELOW EXH. 50 IN RCS NO. 320/2021
CNR No.MH140009692021

The present suit is filed for recovery of possession. The plaintiff has moved the present application for bringing legal representative of deceased defendant no.2. Perused the application. Heard.

2. The learned counsel for the plaintiff submitted that, defendant no.2 has died on 28/12/2021. He further submitted that, after the death of defendant no.2 his legal representative as mentioned in application have right to sue. Therefore, he prayed that, the legal representative of defendant no.2 may be bring on record.

3. The defendants have failed to file say to present application. Hence, application proceeded without his say.

4. Perused the record. On perusal of the record it reveals that, defendant no.2 has died. Hence, after the death of defendant no.2 his legal representative have right to sue. No harm is going to be caused to any of parties, if legal representative of defendant no.2 are taken on record. They are having every legal right to contest the suit on merit. Therefore, to resolve the dispute finally between the

parties, it is essential to take legal representative of defendant no.2 on record. Therefore, the present application deserves to be allowed. Hence, I pass following order :-

ORDER

1. The application is allowed.
2. Permission is granted to bring legal representative of deceased defendant no.2. The plaintiff shall carry out amendment in the plaint and its copy be provided to defendant no.2.

Date: 05/05/2022
Place:Ausa.

(P. D. Kolekar)
Civil Judge J.D., AUSA.