

:- ORDER BELOW EXH.U-4 :-

1. Amid trial the original second party went to his heavenly abode which has landed his heirs to prefer this application for bringing them on record with permission to persuade present reference further in accordance with the law. According to applicants, on 01.03.2019 the original second party breathed last and applicants are the sole legal heir cum representative of the deceased. They wish to proceed with the matter. Since cause of action survive in favour of the applicant L.R.'s, they implored for bringing them on record followed by suitable amendment in the reference with permission to allowing them to proceed with the reference flawlessly.

2. Per contra, the opponent raised stiff objection and implored for rejection of application *in limine*. According to them, the reason assigned is not sufficient and application is not sufficient. The reference is challenging termination. L.R.'s cannot continue the reference for the same relief. The relief of back wages is also in the nature of personal relief. Thus, over all application is not within four walls of law deserving rejection.

3. Heard both sides. I have gone through entire proceeding minutely. Indeed, the original second party is no more. Applicants are his legal heirs. Despite opportunity, the relationship is not disputed nor challenged. Therefore, it can safely be inferred that applicants are legal heirs of the original second party. As regards, reliefs are concerned, termination is not persuaded being personal relief but back wages and other monetary reliefs can be taken into consideration. Legal heirs can continue with same cause of action against the first party. Cause of action survive and devolve upon them. Consequently by all means, applicants

can proceed with the reference without any objection. The application has substance. Legal heirs are need to be brought on record. Accordingly, suitable amendment is allowed and they are permitted to persuade the reference hereinafter.

4. Conspectus of the circumstances leads me to pass the following order;

: ORDER :

- 1) Application is allowed.
- 2) Applicant Legal heirs are brought on record. They are permitted to pursue the reference hereinafter.
- 3) Necessary amendment be made in the original reference.

Date :- 10.07.2019  
Kolhapur.

**sd/-**  
( Amit A. Laulkar )  
Presiding Officer,  
Labour Court No. II, Kolhapur.