

COMMON ORDER PASSED BELOW EXH. 42 AND 43
(Passed On: 09.03.2023)

The present application came to be filed by the plaintiffs for taking legal representative on record in place of deceased the defendant No. 4. By way of present application the plaintiffs have contended that the Defendant No. 4 Ansha @ Hansa Krishna Mavchi came to be died on 01.11.2022. As per contention of the plaintiffs the Defendant No. 4 has left her Husband and two sons as her legal heirs. As per contention of the plaintiffs Husband and sons of the deceased Defendant No. 4 are only legal representative of the deceased defendant No. 4 so the plaintiffs prayed to allow present application and to take L.R. of the deceased Defendant No.4 on record.

2. The Ld. Advocate of the defendants filed his say and objected that, present application is not filed within limitation so he prayed to impose heavy costs.

3. Heard Ld. Advocates for the parties. On perusal of record the copy of death certificate of the deceased defendant No. 4 filed on record, which shows that the defendant No. 4 Hansa Krishna Mavchi to be died on 01.11.2022 at Nehru Nagar, Devalfali, Tal. Navapur. As per contention of the plaintiffs the deceased Defendant No. 4 has Husband and Two Sons as her legal representative. On perusal of application it clearly appears that the person named in the application are Husband and Sons of the deceased Defendant No. 4 while deciding application for taking legal representatives on record technicalities need not be considered moreover legal representatives of deceased defendant No. 4 are required to give opportunity to represent the deceased defendant No. 4. Hence

following order is passed..

ORDER

1.	Application below Exh. 42 and 43 is allowed subject to costs of Total Rs.150/- be paid to the defendant Nos. 1 to 3 on or before next date. Husband and Two Sons of the deceased Defendant No. 4 Ansha @ Hansa Krishna Mavchi are taken on record as legal representative of the deceased defendant No. 4.
2.	The Plaintiffs shall carry out amendment and file amended plaint on or before next date.

Navapur
Date: .09.03.2023

(Pankaj R. Phulari)
Civil Judge (Jr. Div.)
Navapur.

CERTIFICATE

“ I affirm that the contents of this PDF file order are same word for word as per original order.”

Name of Stenographer	:	M. N. Ahirrao, Stenographer (Grade-III),
Court Name	:	Shri. P.R. Phulari, C.J.J.D., Navapur
Date	:	09.03.2023
Order signed by presiding officer on	:	09.03.2023
Order uploaded on	:	09.03.2023