

MHNG010091982013



**BEFORE THE PRINCIPAL DISTRICT JUDGE NAGPUR.**

[Presided over by Dinesh P. Surana]

**Regular Civil Appeal No.441/2013**

**Rajeshree Wd/o. Chandrabhan Mandhalkar & Ors.**

**-: Versus :-**

**Yuvraj S/o. Sadashiv Shahane**

**ORDER BELOW EXH.39**

[Passed on this 9<sup>th</sup> May, 2025]

Advocate Vidhani for the appellants absent.

2] By this application, the appellants have requested to direct the respondent No.2 to bring the legal heirs of deceased respondent No.2 on record.

3] Heard Adv. Gundre for one of the proposed L.Rs of the deceased respondent No.2. The proposed respondent No.2(b) – Smt. Priyanka, though served vide notice Exh.42, remained absent. Adv. Gundre opposed the application on the ground that the same is not tenable in the eye of law.

4] Advocate Turankar for respondent Nos.4 to 7 also contended that the application is not maintainable.

5] The fact that the respondent No.2 died intestate is not

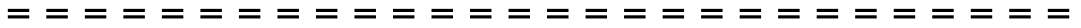
disputed. The proposed respondent Nos.a and b are the legal heirs of deceased respondent No.2 is also not disputed. However, though the application is not happily worded, the intention behind the application is to bring the legal heirs of deceased respondent No.2 on record. Such directions cannot be given to the respondent No.2, who is no more. Adv. Turankar has not disputed that in other proceeding between the same parties pending before Hon'ble High Court, the same legal representatives of deceased respondent No.2 were brought on record. Under such circumstances, the application deserves to be allowed, but in following terms.

**ORDER**

- 1] Application is allowed.
- 2] The delay, if any in filing the application is condoned.
- 3] The abatement, if any caused in bringing the legal heirs of deceased respondent No.2, is set aside.
- 4] The appellant is directed to bring the legal heirs of deceased respondent No.2 i.e. proposed respondents in the application Exh.39 on record.
- 5] The amendment is to be carried out within 15 civil working days from the date of this order.
- 6] No order as to costs.

Nagpur.  
Date : 09/05/2025

[Dinesh P. Surana]  
Principal District Judge,  
Nagpur.



**CERTIFICATE**

I affirm that the contents of this P. D. F. file of order are word to word,  
as per original order.

Name of Stenographer : Ajay P. Bothe  
Grade I