


MHNG080012332015 	R.C.S. No.187/2015 Jagnath & others Vs. Omprakash & others.
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ORDER (BELOW EXH.120)

(Passed on 24/10/2024)

The plaintiffs have filed this application for bringing legal representatives of deceased defendants No.3,6 and 7 on record.

2] It is contended that defendant No.3 died on 16.05.2021, defendant No.6 died on 23.04.2021 and defendant No.7 died on 16.01.2021 leaving behind their legal representatives as mentioned in application. Those the defendants have died, the right to sue survive. Therefore they are necessary parties to the suit. Hence, prayed to allow the application.

3] The legal representatives of deceased defendants though served with notice, failed to file their say. Hence, the application proceeded without say.

4] Heard the learned advocate for the plaintiffs.

5] Perused the record. The plaintiffs have filed this suit for declaration, cancellation of sale deed and possession. I have already condoned the delay caused in bringing legal heirs of deceased defendants No.3,6 and 7 on record. Therefore, there is no hurdle to allow the present application. Hence, I pass the following order.

ORDER

1. Application (Exh.120) is allowed.
2. The plaintiffs shall bring legal representatives of deceased defendants No.3, 6 and 7 within stipulated period and file amended copy of plaint on record accordingly.

Date:-24.10.2024

(R.R. Sherekar)
2nd Jt. Civil Judge Junior Division,
Kamptee, Dist. Nagpur.