



R.C.S. No.22/2021
Janabai & oths Vs. Deorao

ORDER BELOW EXH.16
(Passed on : 14/07/2022)

1. Legal heirs of deceased plaintiff No.01 Janabai Gulabrao Kolhe moved present applications for bringing them on record as plaintiffs. It is contended that present applicants are legal heirs of deceased plaintiff No.01 Janabai Gulabrao Kolhe and they want to proceed with the suit and be made as party viz. plaintiffs. Plaintiff No.01 Janabai Gulabrao Kolhe died on dated 18/04/2021. To proceed with the case, legal heirs of the deceased plaintiff is required to be brought on record. Therefore, the present application be allowed and they be taken on record as being legal representatives of the plaintiff .
2. Defendant has resisted this application on the count that the present application is barred by law of limitation.
3. Order 22 Rule 3 of the Code of Civil Procedure provides for procedure in case of death of one of several plaintiffs or of sole plaintiff. It is provides that in case the right to sue survives, the court, on an application made in that behalf, shall cause the legal representatives of the deceased plaintiff to be made a party and shall proceed with the suit.
4. Keeping in mind the above law in hand if we peruse the record, it shows that the suit is for declaration, partition and separate possession. The nature of suit shows that the right to sue survives



against legal heirs of deceased plaintiff No.01. According to Order 22 Rule 1 the Code of Civil Procedure, the death of the plaintiff or defendant shall not cause the suit to abate if the right to sue survives. Hence, as right to sue survives, applicants are required to be impleaded as plaintiffs as prayed by them.

5. So considering facts and circumstances and as right to sue survives and the application is filed within limitation hence, for these reason, I conclude that applications moved by legal heirs of deceased plaintiff are required to be allowed. Hence, I pass the following order.

ORDER

1. The application Exh.16 is allowed.
2. Applicants are allowed to impleaded as party plaintiffs in the array of plaintiffs and they are directed to make amendment within 14 days from date of order.

(Pronounced in open Court)

Ramtek.
Date : 14/07/2022

(Smt.D.S.Saindane)
Jt. Civil Judge Junior Division,
Ramtek



C E R T I F I C A T E

I hereby certify that the contents of this PDF file are word to word, as per the original Order,

Name of the Steno	:	M.S.Vishwakarma
Name of the Court	:	Jt. CJJD & JMFC, Ramtek
Date of announcement of Order	:	14.07.2022
Date of Signing of Order	:	14.07.2022
Date of uploading PDF file	:	14.07.2022