

**IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION, RAMTEK.**

**Reg.C.S. NO. 51/2023**

**Sanjivkumar Bisandas Bhardwaj V. Virendra Vinayak Bonkar and other.**

**ORDER BELOW EXH.179**

(Passed on 18.09.2025)

The plaintiff has filed an application under Order-22 Rule-4 of Code of Civil Procedure seeking substitution of legal heirs of deceased defendant no.1, who has been expired on 26/04/2025 during pendency of the suit and who has been survived by his son and daughter.

2. Learned advocate of the plaintiff has submitted that right to sue survives against the legal heirs of deceased defendant no.1, therefore, they are required to be brought on record as a representative of deceased defendant no.1.

3. On the other hand, the legal heirs of deceased defendant no.1 has resisted present application on the ground that, deceased defendant no.1 had already transferred suit property to her sister i.e. Vishakha Bankar. Therefore, proposed legal heirs have no right in the suit property and they are not necessary party.

4. Heard both sides. It is to be noted here that in view of order passed below Exh.183, a person namely Vishakha Bankar has been added in the plaint. The suit is for declaration and permanent injunction in respect of immovable property and cause survives against the estate of the deceased. The present proposed legal heirs are representative of deceased defendant no.1 therefore, they need to be added as a proper party in the suit irrespective of the fact that, they have no ownership right in the suit property. Thus, present application needs to be allowed. Hence I pass following order-

**ORDER**

- 1] Application is allowed.
- 2] Plaintiff is directed to bring proposed legal heirs on record as a defendant no.1(a) and 1(b) in place of deceased defendant no.1.
- 3] Plaintiff is also directed to carry out necessary amendment in the plaint within 15 days.
- 4] Plaintiff is also directed to file amended copy of the plaint on the record.
- 5] Issue fresh suit summons to the defendant no.1(a) and 1(b) upon adding in the plaint.

Dated : 18/09/2025.  
Ramtek.

(S.M. Sarode)  
Civil Judge,Sr.Dn.  
Ramtek.

**CERTIFICATE**

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

Name of Stenographer : R. J. Khobragade (Gr.II)