

MHNG130006422013**R.C.S. No. 1400055/2013***Ratiram Sitaram Ramteke & others*

v.

*Devkabai Ramteke & others.***ORDER BELOW EXH. 67**

(Passed on dated 09/10/2025)

The present application is filed by plaintiff no. 2 for deleting the name deceased plaintiff No. 1 and substituting names of his legal representatives i.e. 1(a), 1(b), 1(c), 1(d), 1(e), 1(f). Plaintiff no. 2 has submitted, that during the pendency of this suit, plaintiff no. 1 namely Ratiram S/o Sitaram Ramteke died on 27/01/2025. Proposed plaintiffs are the only legal heirs of the deceased plaintiff No. 1. Hence, the plaintiff no. 2 wants to delete the name of plaintiff no. 1 and substitute their names. The present application is filed within limitation. No prejudice will be caused to the other side and accordingly prayed for allowing the present application.

2] In spite of service of notices to the proposed legal heirs of plaintiff no.1, they neither filed their say nor appeared before the Court, hence, application proceeded without their say. At the same time, other defendants have not filed their reply.

3] After considering the submissions and on perusal of record, it appears that the present suit is filed for declaration, possession and permanent injunction. The plaintiff No.1 died on Dt. 27/01/2025 and plaintiff no. 2 wants to bring on record his Legal heirs. The right to sue

survive against the legal heirs of the deceased plaintiff no. 1. The application is filed within limitation period i.e. 90 days from the date of death. The contention in application are on the solemn affirmation of plaintiff. Moreover, no prejudice will be caused to the other side, if the present application is allowed. Considering the reason, in the interest of justice, I proceed to pass following order :

ORDER

1. The application Exh. 67 is allowed.
2. Plaintiff no. 2 is permitted to delete the name of plaintiff no. 1 and substitute name of legal heirs of deceased plaintiff No.1 as prayed.
3. Plaintiff no. 2 to make necessary amendments within 14 days from the date of this order.

Date: 09/10/2025

Sd/-
(D. C. Vorani)
Joint Civil Judge Junior Division,
Court No. 2, Ramtek.