

MHNG130007362009



R.C.S. No. 44/2009.
Subhash & Ors. V/s. Nishad &
Ors.

ORDER BELOW EXH.208.

(Dated - 25/08/2023)

1] Plaintiffs have filed this application for bringing legal heirs of deceased defendant No.23 Sahadeo s/o Mango Dongre. It is submitted by the plaintiffs that, defendant No.23 Sahadeo s/o Mango Dongre expired on 16.10.2020 due to his old age. Therefore, plaintiffs have filed this application before this Court for bringing legal heirs of deceased defendant No.23 Sahadeo s/o Mango Dongre.

2] In spite of service of notices to the proposed legal heirs of defendant No.23, they neither filed their say nor appeared before the Court, hence, application proceeded without their say.

3] I duly considered submission of plaintiff's counsel and also gone through the record. As per the record defendant No.23 died on 16.10.2020 and my learned predecessor has condoned the delay for bringing legal heirs of the deceased defendant No.23 by passing an order dated 04.03.2021 below Exh.207. Record further shows that, the original suit is filed for declaration, possessing and permanent injunction. The right to sue is survived against the legal heirs of deceased defendant No.23. The contention in application are on the solemn affirmation of plaintiff. Considering contention of plaintiffs, in my view it is proper and just to substitute legal heir of defendant

No.23 reflected in application in place of deceased defendant No.23.
Accordingly, I pass following order.

ORDER

- 1] Application is allowed.
- 2] Plaintiffs are permitted to substitute name of legal heir of deceased defendant No.23 as prayed in place of original defendant No.23.
- 3] Plaintiffs to comply order within prescribed period and to file fresh amended plaint copy as per rule.

Ramtek
Date : 25.08.2023

Sd/-
(D.S. Saindane)
2nd Joint Civil Judge Junior Division,
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 the Stenographer : **A.H.Ghosekar**

Name of the Court **:** **Jt. CJJD & JMFC, Ramtek**