

ORDER BELOW EXH-15 IN R.C.S. NO. 51/2017

1. This is an application filed by the plaintiff for bringing legal representatives of defendant no. 2 on record. The plaintiff submitted that during pendency of the suit the defendant no. 2 Anil Gowardhan Deshmukh expired on 02/01/2019. The plaintiff further submitted that wife and daughter of deceased Anil Gowardhan Deshmukh are class-I legal heirs and therefore it is necessary to brought on record legal heirs of the defendant no. 2. The plaintiff further submitted that there are no other heirs except wife and daughter of deceased Anil and therefore right to survive to represent the case being legal heirs, successor at law to continue the suit in place of deceased Anil. So plaintiff prayed to allow the present application.

2. The defendants filed their say and submitted that they have no objection to bring legal heirs of deceased defendant no. 2.

3. Heard ld. Advocate for both sides. Perused record. The plaintiff filed present suit for recovery of Rs.50,000/- on account of damages and notice charges against defendants. The defendant no. 1 and 2 appeared in the suit and filed their written statement. Subsequently, during pendency of suit defendant no. 2 is expired and plaintiff filed present application for bringing legal heir of defendant no. 2 on record. The plaintiff filed on record xerox copy of death certificate of defendant no.2, Anil Gowardhan Deshmukh alongwith list of documents at Exh-16. Perusal of death certificate of defendant

no. 2 it shows that he died on 02/01/2019. On 01/03/2019 an Advocate for defendant no. 2 filed pursis at Exh-13 stating therein that defendant no. 2 expired on 02/01/2019 and also filed death certificate at Exh-14 and plaintiff filed present application on 02/04/2019. So it is necessary to bring the legal heirs of defendant no. 2 on record in order to decide the suit on merit. So in order to decide the matter on merit for the interest of justice, it is necessary to bring on record the legal heirs of defendant no. 2. So considering the reason in the application the following order is passed-

ORDER

1. The application filed by plaintiff is allowed.
2. The plaintiff is directed to bring on record the legal heirs of defendant no. 2 within fourteen days.

Place : Kalmeshwar
Date : 20/12/2019.

Sd/-
(Smt. V. V. Sawarkar)
Civil Judge Junior Division,
Kalmeshwar.