

MHNG180009822015

R.C.S. 53/2015**ORDER BELOW EXH. 89**
(Passed on this 22nd January, 2026)

1. Present application is filed by the plaintiff to bring the legal heirs of deceased defendant No.2 i.e. Bhajan @ Haribhajan Gulab Gaikwad on record.

2. It is contended in the applications that, the plaintiff filed civil suit for declaration, permanent and mandatory injunction and during the pendency of the suit the defendant No.2 Bhajan @ Haribhajan S/o Gulab Gaikwad died on 19/08/2023 at Zunki, Tahsil – Kalmeshwar, District - Nagpur leaving behind the following person as his legal heirs -

- 1) Satyabhama Wd/o Bhajan @ Haribhajan Gaikwad Aged about 65 yrs Occupation – Housewife, R/o. Zunki, Tahsil – Kalmeshwar, District - Nagpur (wife of Deceased Bhajan @ Haribhajan S/o Gulab Gaikwad)
- 2) Bijulal S/o Bhajan @Haribhajan Gaikwad, Aged about 45 yrs Occ-Private company, R/o. Zunki Tah - Kalmeshwar Distt- Nagpur,
At present Lonara (Mahadula) Tah. & Distt- Nagpur
(son of Deceased Bhajan @ Haribhan Gaikwad)
- 3) Durjan S/o Bhaan @ Haribhajan Gaikwad, Aged about 42 yrs Occ - Agriculturist, R/o. Zunki Tah-Kalmeshwar, Distt-Nagpur (son of Deceased Bhajan @ Haribhajan Gaikwad)

- 4) Praful S/o Bhajan @ Haribhajan Gaikwad, Aged about 40 yrs Occ - Private company, R/o. Zunki, Tah-Kalmeshwar, Dist - Nagpur

3. That, even though the above named defendant No.2 Bhajan @ Haribhajan S/o Gulab Gaikwad died on 19/08/2023 during pendency of this suit, right to sue them survives and therefore, their aforesaid legal heirs need to be brought on record. However, the aforesaid legal heir of defendant No.2 should have been brought within a period of 90 days from the date of his death.

4. That, the plaintiff was aware of the fact that the names of said legal heirs of deceased defendant No.2 are required to be brought on record within the said period of 90 days from the date of the his death but the said fact about the death could not come to the knowledge for plaintiff and therefore, necessary steps to take the name of legal heirs of deceased defendant No.2 remain to be taken in the matter. Hence, plaintiff prayed to allow the application in the interest of justice.

5. Notice were issued to proposed LRs of deceased defendant No.2. Notice were served upon them but still they failed to appear before the Court and file their reply. Hence, the matter is proceeded further without the say of legal heirs of deceased defendant No.2.

6. Perused the record, application. As per the submission of plaintiff, it is seen that, defendant No.2 i.e. Bhajan @ Haribhajan S/o Gulab Gaikwad is died on 19/08/2023. Present application is supported by affidavit. There is some delay in filing present application. But that is already condoned vide order Exh.87. The plaintiff has filed death certificate of deceased defendant No.2 on record. Hence, right to sue survives for LR's of the defendant No.2. No prejudice will be cause to the defendants. To expedite the matter and to decide suit on merits, it is necessary to bring the legal heirs of deceased defendant No.3 on record. Hence, I pass following order :-

ORDER

1. Application Exh. 89 is allowed.
2. The plaintiff is directed to brought L.R's of deceased defendant No.2 Bhajan @ Haribhajan S/o Gulab Gaikwad on record within 14 days.
3. Plaintiff shall carry out necessary amendment in the plaint to that effect.

Kalmeshwar.
Date: 22/01/2026

(S.B. Mandwe)
Jt. Civil Judge Junior Division,
Kalmeshwar

CERTIFICATE

I affirm that the contents of this PD.F. File Judgment are same word to word as per original Judgment.

Name of Stenographer : *Sfri. Ashish K. Wasnik (Grade-III)*
Date of PDF : 22/01/2026.
Judgment Signed by
Presiding Officer on : 22/01/2026.
Judgment uploaded on : 22/01/2026.