

ORDER BELOW EXH.98

1. This application has been filed by legal heirs of deceased sole plaintiff for bringing them on record as a plaintiffs on the contention that they have legal right and authority to proceed with the matter and therefore, sought permission to amend the plaint by inserting themselves in the array of plaintiffs.

2. The defendants given their say and resisted the application on the ground that the proposed LRs have no right to file this application and have no right to proceed. Original plaintiff himself was not having any right, title, interest in the suit property and therefore, the proposed Legal heirs also do not have right to proceed and hence, prays to reject the application.

3. Perused record and documents. In support of application, the legal heirs applicants have filed affidavit of Harshad Pramod Sharma being one of the legal heir of deceased plaintiff and also filed the death certificate alongwith Exh.100.

4. It admitted fact that the plaintiff died on 09/08/2017 and he is the sole party filing this suit and after his death, under Order-22 Rule-1 to 3, the deceased plaintiff survives through his legal heirs in the suit. It is not the defence of defendants that the proposed applicants are not legal heirs of deceased plaintiff, under such circumstances, in the event of death of plaintiff, his legal heirs have right to proceed with the matter. In respect of title and interest in the suit property of legal heirs will be decided on merit, and hence, accordingly, I pass following order...

ORDER

1. The application is allowed.
2. The applicant legal heirs are permitted to amend the plaint by inserting their names in the array of plaintiffs within prescribed time.
3. They shall file amended copy and proceed with the matter.

Date :-21/6/2018
Dindori.

(Smt.G.S.Bora)
Jt. Civil Judge, J.D., Dindori.