

MHNS140006412010



**ORDER BELOW EXHIBIT 58 R.C.S. NO.79/2010**

Shri. Namdev Bharsat and others Vs. Shri. Punja Bharsat and others

(Passed on 11/09/2023)

The present application is filed by the plaintiff for bringing the legal representatives of Plaintiff no 5 and defendant no 15/2 on record and amendment in the plaint .

2. The notice to legal representatives of the said deceased plaintiff and defendant has been issued, they failed to appear and filed their say on record hence this application proceeded without their say.

3. On perusal of the record it appears that the plaintiff filed suit bearing RCS No. 79/2010 for Declaration. During the proceedings of the case plaintiff no. 5 Laxman Pandu Bharsat died on 28/04/2021 and defendant no. 15/2 Dada Zavaru Gaikwad died on 29/08/2020. The plaintiff also filed on record the photo copy of death certificates of the deceased which shows that the said defendant died on 29/08/2020 and the deceased plaintiff died on 28/04/2021. On perusal of the present application it depicts that the legal representatives of the deceased defendant no. 15/2 mentioned in the application i.e.

Sr.no.	Name of the legal representatives	Age	Relation with the deceased
15/2/A	Smt. Bhimabai Dada Gaikwad	67	Widow
15/2/B	Shri. Pandit Dada Gaikwad	51	Son
15/2/C	Shri. Ramesh Dada Gaikwad	43	Son
15/2/D	Shri. Hiranman Dada Gaikwad	37	Son
15/2/E	Shri. Bhagwan Dada Gaikwad	31	Son
15/2/F	Shri. Dinkar Dada Gaikwad	28	Son

legal representatives of the deceased plaintiff no 5 Laxman Pandu Bharsat mentioned in the application i.e.

Sr.no	Name of the legal representatives	Age	Relation with the deceased
5A	Shri. Kacharu Laxman Bharsat	37	Son

are the only legal heirs of the deceased defendant no. 15/2 and plaintiff no. 5. Looking into the nature of the suit. It is necessary to bring legal representatives of these deceased on record to avoid further complications.

4. So, in view of the order passed below Exh.59 delay in bringing the representatives on record is condoned. I pass the following order.

### **ORDER**

1. The application is allowed.
2. Legal representatives of the deceased defendant no.15/2 i.e. 15/2/A Smt. Bhimabai Dada Gaikwad, 15/2/B Shri. Pandit Dada Gaikwad, 15/2/C Shri. Ramesh Dada Gaikwad, 15/2/D Shri. Hiranman Dada Gaikwad, 15/2/E Shri. Bhagawan Dada Gaikwad, 15/2/F Shri. Dinkar Dada Gaikwad, be taken on record within 14 days from the date of this order.
3. Legal representatives of the deceased Plaintiff no.5 i.e. 5A Shri. Kacharu Laxman Bharsat be taken on record within 14 days from the date of this order.
4. Plaintiff to carry out amendment accordingly.

Date: 11/09/2023

( Ashwini A. Pandit )  
2<sup>nd</sup> Joint Civil Judge Junior Division,  
Dindori (MH03260)

