

ORDER BELOW EX. 62.**(Passed On 20th April, 2022)**

1. This is an application for permission to bring legal representative of deceased plaintiff No. 5 Pramla @ Alka Kachru Junendra on record under Order 22 Rule 3 of C.P.C preferred by plaintiffs.

2. Perused the application and read the reply. I have heard Mr. P.N. Borse learned counsel for plaintiffs and Mr. V.A. Ghule learned counsel for defendant No. 1.

3. Mr. Borse submitted that plaintiffs have filed suit for cancellation of sale deed, declaration and permanent injunction against the defendants. Mr. Borse submitted that deceased plaintiff No. 5 Pramila @ Alka Kachru Junendra died on 07-01-2022 and proposed legal representatives of deceased plaintiff No. 5 Pramila @ Alka Kachru Junendra as mentioned in instant application needs to be brought on record. Mr. Borse submitted that there is no delay in bringing proposed legal representatives of deceased plaintiff No. 5 Pramila @ Alka Kachru Junendra on record as the instant application is filed on 17-03-2022 i.e. within limitation. Mr. Borse submitted in consonance to his application and prayed to allow the instant application.

4. Mr. Ghule learned counsel for defendant No. 1 vehemently opposed the instant application and submitted that the instant application is not supported by legal heir certificate and at this stage present application is also not maintainable. Mr. Ghule submitted in consonance to his reply and prayed to pass appropriate order.

5. In order to enable the court to effectively and completely adjudicate upon and settle all the questions involved in the suit, it is necessary to allow the application to bring on record the proposed legal representatives of deceased plaintiff No. 5 Pramila @ Alka Kachru Junendra. There appears to be no other legal heirs except those named in application. Thus it is therefore necessary in the interest of justice to allow the application.

6. On going through the instant application in the light of pleadings of both parties and arguments canvassed before me this court is satisfied that it is necessary to bring the proposed legal representatives of deceased plaintiff No. 5 Pramila @ Alka Kachru Junendra on record for the purpose of determining the real question in controversy between the parties and for the fair adjudication of trial. In the result, I am inclined to pass following order.

ORDER

1. The application at Ex. 62 is allowed.
2. The plaintiffs are allowed to bring the proposed legal representatives of deceased plaintiff No. 5 Pramila @ Alka Kachru Junendra on record within 14 days from the date of the order (2 weeks.)

Place :- Chandwad.

Date :- 20-04-2022.

(N. A. Ingley)
Civil Judge Junior Division
Chandwad

CJJD