

Order below Exh.- 26 in R.C.S. No. - 158/2016

1] The plaintiff's legal heirs have filed this application to take legal heirs on record of plaintiff Jabbar Shah Hussain Shah (Fakir). Learned advocate for plaintiff submitted that he has died on 23/02/2018, therefore his legal heirs are required to be added as plaintiff nos. 1)A to 1)E in the present suit.

2] Defendants have filed their say and contended that the plaintiff's legal heirs are not present before the court and they have filed the affidavit which was of Malegaon court. Therefore, they prayed for rejection of the present application.

3] The legal heirs of plaintiff submitted that, the Jabbar Shah Hussain Shah (Fakir) has died on 23/02/2018, therefore his legal heirs required to be added as plaintiff nos. 1)A to 1)E in the present suit. It is not the case of defendants that plaintiff is not died or the present applicants are not legal heirs of deceased Jabbar Shah Hussain Shah (Fakir). This suit is for encroachment and possession against defendants on the suit property, the present applicant are the legal heirs of the deceased plaintiff Jabbar Shah Hussain Shah (Fakir) and the right to sue is survives therefore, the application of the plaintiff deserves to be allowed. Hence, I pass following order -

ORDER

- 1] Applications **Exh. - 26** is allowed to take the legal heirs on record of plaintiff Jabbar Shah Hussain Shah (Fakir).
- 2] Plaintiff to note and comply.

Chandwad
Date : 14th November, 2018

(K.G. Chaudhari)
Civil Judge, J.D., Chandwad,
Dist-Nashik.