

MHNS240027222023



ORDER BELWO EXH No. 35 IN R.C.S.

366/2023

Smt. Gangubai Hiranman Chavan & Ors

Vs.

Shri. Devrao @ Devram Daval Chavan & ors.

Plaintiffs have filed present application vide O-22, R-04 r/w O-6, R-17 of Civil Procedure Code for bringing legal representatives of deceased defendant no.05 Babaji Yeshwant Chavan on the record. It is contended that defendant no.05 Babaji Yeshwant Chavan died on 27/06/2024 leaving behind proposed legal representatives as mentioned in the application. Due to death of defendant no.05, suit cannot be proceeded against the remaining defendants. Therefore, it is necessary to bring the legal representatives of deceased Babaji on the record. If proposed Lrs are taken on record nature of suit will not be changed. Lastly, plaintiffs prayed to allow the application.

02. The present application is strongly opposed by defendants and prayed to reject the same.

03. Perused the application and say, I, have gone through the record. Heard, both parties.

04. It appears that defendant no.05 Babaji Yeshwant Chavan died on 27/06/2024. The copy of his death certificate is filed on record at Exh.34. The present application is filed on 29/08/2024. Hence, it appears that the application is filed within limitation. The suit is in respect of immovable property. Therefore, right to sue survives against the proposed L.rs. Hence, for the ends of justice it is necessary to bring the proposed legal representatives on record as

they are legal representatives of deceased defendant no.05 Babaji Yeshwant Chavan. Hence, following order is passed.

ORDER

01. Applications Exh. 35 is allowed.
02. The permission is granted to bring proposed L.Rs. of deceased defendant no.05 Babaji Yeshwant Chavan on record.
03. The plaintiffs to carryout necessary amendment in the plaint and submit amended plaint on record till next date.
04. Thereafter, notices be issued to the L.Rs. of defendant no.05 Babaji Yeshwant Chavan.

Date. 21.02.2025.

(C.U. Shipkule)
Civil Judge, Jr.Dn., Satana.