

Dattatray Ghayal Vs. Salim khan Pathan

ORDER BELOW EXH.28.

01. By way of this application the applicant Asaram Ghayal submitted that, decree holder Dattatray Ghayal died on 26.09.2021 and he is the real brother of Dattatray Ghayal. He also submitted that, his father and mother are dead and as on today he is the only legal heir of deceased Dattatray Ghayal. Hence, he prayed that, his name be taken on record as the legal heir of deceased Dattatray Ghayal.

02. The application was strongly opposed by judgment debtor by filing his say by which it was submitted that, the deceased Dattatray Ghayal was married and his wife and children are alive. Further, the judgment debtor by filing application at Exh.32 had prayed that, the service book of deceased Dattatray Ghayal be called from M.S.R.T.C. Parbhani circle.

03. It must be noted that, the application of judgment debtor at Exh.32 has been already rejected after hearing both sides on merit. As such as on today, the judgment debtor has not placed on record any documentary evidence to show that, the wife and children of deceased Dattatray Ghayal are alive. On the other hand, the applicant Asaram Ghayal on affidavit has stated that, he is the brother of deceased Dattatray Ghayal. He has also placed on record the death certificate of deceased Dattatray Ghayal, his father Manikrao Ghayal and his mother Prayagbai Ghayal. Under such circumstances, it is crystal clear that, the applicant is the only heir of deceased Dattatray Ghayal and therefore, his name as the legal heir of deceased decree holder is necessary to be impleaded in the present proceeding. Hence, I proceed to pass following

order.

ORDER

1. Application (Exh.28) is allowed.
2. The applicant to carry out necessary amendment and filed the amended copy of Exh.01 within 14 days on record.

Date : 28.04.2023

(Mandar M. Raut)
Civil Judge Junior Division,
Sailu Dist. Parbhani.