

ORDER BELOW EXH.111.

1. The Present application has been filed on behalf of the legal heirs of the plaintiff under order XXII of C.P.C for bringing legal representatives of deceased plaintiff i.e. Krishna Tukaram Shete on record. It is contended therein that the plaintiff namely, Krishna Tukaram Shete has died on 25/07/2020. The plaintiff has filed on record the death certificate of the plaintiff alongwith Exh.110. Further it is stated that the right to sue survive to the legal representatives of plaintiff, therefore, it is necessary to bring the legal representatives of the deceased plaintiff on record. Hence, present application.

2. Perused the application and the documents on record. Heard the Ld. Advocate for plaintiff. The Ld. Advocate for defendants has given his say and stated that he has no objection to present application. The application has been filed within the prescribed limit i.e. within 90 days from the date of death of the person. The present suit is filed for Declaration and Injunction. Considering the nature of dispute and suit it appears that right to sue survives to the legal representatives of the plaintiff. The present applicant on affidavit stated that she is only legal heir to the deceased plaintiff and except her there are no other legal heirs and representative. Therefore, in such facts and circumstances it would be appropriate to allow the application to bring on record LR's of the deceased plaintiff. Hence, following order:

ORDER

- (1) The Applications (Exh.111) is hereby allowed.
- (2) The applicant is hereby directed to add the names of persons as

prayed for in Exh.111 within 14 days from the date of passing of the order.

- (3) The applicant is hereby directed to carry necessary amendment in the plaint and also hereby directed to serve the copy of the amended plaint to the defendants.
- (4) Issue suit summons to the concerned, if any.

Date: 21/01/2021

Sd/-
(H.U.U. Patil)
2nd Jt. C.J.J.D., Bhor, Pune

Certificate

"I affirm that the contents of this P.D.F file Order are same word for word as per original Order.

Name of the Steno : A.A. Shaikh.

Court Name : Smt. H.U.U. Patil

2nd Jt.C.J.J.D, Bhore, Dist. Pune.

Date :21/01/2021

Order signed by presiding officer on : 21/01/2021

Order uploaded on :27/01/2021."