

R.C.S No. 75-2019

Sanjay V/s Laxman

CNR NO. MHPU13000-275-2019

ORDER BELOW EXH-40

1. This is an application vide Order 22 Rule 2 of Code of Civil Procedure for bringing the legal heirs on record of defendant no. 3. According to learned advocate for plaintiff during the pendency of the suit defendant no. 3 has died on 29/06/2019. Therefore, the plaintiff prayed to bring legal heirs of defendant no. 3 on record.
2. On the other hand, learned advocate for defendant not resist any objection to bring legal heirs on record.
3. Perused the application and say. Heard ld. advocate for the plaintiff and defendant. For bringing legal heirs on record, it is necessary the right to sue survives. Here in present case right to sue is survive in favour of defendant no. 3. Hence, for proper adjudication of this suit and to decide the suit on merit it would be proper to allow this application.

ORDER

1. Application is hereby allowed subject to costs of Rs. 200/-.
2. The plaintiff is directed to carry out necessary amendment in the plaint within 14 days from date of this order.

Saswad
Date:-06/01/2020

(Smt. D. M. Patil)
Civil Judge Junior Division
Saswad

CERTIFICATE

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

Name of Steno : Mr. K. N. Chopade, Stenographer
(Grade 3)

Court Name : Smt. D. M. Patil
C.J.J.D. & J.M.F.C., Saswad.

Date of Order : 06/01/2020

Order signed by presiding officer on : 06/01/2020

Order uploaded on : 08/01/2020