

CNR No.MHPU130010222022



Reg. Civil Suit No.256 of 2022
Asha Manohar Bandalkar & Ors.
Vs
Dattatray Yashwant Jadhav

ORDER BELOW EXH. No.38.
(Date : 24.06.2026)

This application is filed by the plaintiffs under Order XII Rule 4 of the Code of Civil Procedure, for bringing the legal heirs of deceased defendant namely, Dattatray Jaywant Jadhav on record.

2. It is contention of the plaintiffs that, the present suit is filed for declaration and preemption. The sole defendant, Shri. Dattatray Jaywant Jadhav died on 30.04.2024. His wife, Smt. Anjana Dattatray Jadhav, also died. The deceased defendant survives legal heirs as mentioned in the application and they ought to have brought on record as defendant no.1A and 1B. Hence, prayed allow the application.

3. On the other hand, legal representative of the deceased filed reply and contended that, the present suit is filed for preemption against late Dattatray Jaywant Jadhav. The defendant died on 30.04.2024. As delay caused to bring the them on record, suit came to be abated and therefore, the cause of action of the suit against him has ceased to survive. The application is not maintainable. Hence, the present application deserves to be rejected.

4. Perused, heard. The suit is for declaration and preemption. The copy of death certificate filed along with Exh.30/1 shows that the defendant Dattatray Jadhav died on 30.04.2024. The proprietary rights of the parties are involved in the matter. The delay caused condoned and abatement order is set-aside vide order below Exh.34 and 36. However, considering the nature of dispute right to

sue survives against the heirs of deceased defendant. Shri. Nanaso Dattatray Jadhav (Proposed Defendant no.1A) and Shri. Namdeo Dattatray Jadhav (Proposed Defendant no.1B) are legal heirs of deceased defendant. They are required to be taken on record. Otherwise the dispute between the parties cannot be resolved conclusively on merit. On the other hand no prejudice would be caused to the other party. Hence, to avoid multiplicity of proceedings and to elucidate the controversy between the parties once for all, the application need to be allowed. Hence, I pass following order :

ORDER

- i. Application (Exh.38) is allowed subject to costs of Rs.200/-.
- ii. The plaintiffs are permitted to bring the legal heirs of deceased defendant on record as prayed.
- iii. Plaintiffs to carry out necessary amendment and shall file copy of amended plaint on or before next date.

Place : Saswad.
Date : 24/06/2026.

[**Satish G. Shinde**]
Jt. Civil Judge Junior Division,
Saswad, Dist. Pune.

CERTIFICATE

I affirm that, the contents of this P.D.F file of order are same as per the original order.

Name of the Court	:: Shri. Satish G. Shinde, Jt. C.J.J.D. & J.M.F.C., Saswad, Dist. Pune
Name of Stenographer	:: Santosh K. Panchal, Stenographer (Grade - III),
Date of Order	:: 24.06.2026
Order signed by P.O. on	:: 24.06.2026
Order uploaded on	:: 24.06.2026