

MHRG110000032019



ORDER BELOW EXH. 27 IN R. C. S. NO. 01/2019
(Passed on 28.06.2023)

This application is filed by the plaintiffs under Order 22 Rule 4 of the Code of Civil Procedure for the legal representative of the deceased plaintiff No. 1 and 2 as parties on record. The defendants filed formal say and submitted to pass suitable order.

2. The plaintiffs submitted that, plaintiff No. 1 and 2 are died, on perusal of death certificates it appears that, the deceased plaintiff No. 1 is died on 02.05.2023 and plaintiff No. 2 is died on 30.05.2023.

3. The suit filed for declaration and perpetual injunction. It appears that the right to sue survive to the legal representative of the deceased plaintiff No. 1 and 2. Hence, it seems that, it is necessary to add the legal representative of the deceased plaintiff No. 1 and 2 to decided matter on merit. The presence of legal representative of the deceased plaintiff No. 1 and 2 in the suit is necessary for decide real dispute between the parties. If the application allow no prejudice will caused to other side, nature of suit will not change and it is necessary to decide matter properly and avoid multiplicity of proceeding. Therefore, considering the nature of the suit, submission of the applicants. I pass following order.

..02.. R. C. S. No. 01/2019
Santosh and ors V/s. Chief and ors

ORDER

1. Application at Exh. 27 allowed.
2. The plaintiffs are allowed to add the legal representative of the deceased plaintiff No. 1 and 2 on record.
3. The plaintiffs to comply order on or before next date and thereafter file amended copies of plaint along with copies for the legal representative of deceased plaintiff No. 1 and 2.

Mangaon,
Date : 28.06.2023

(G. C. Fulzalke)
Joint Civil Judge Junior Division,
Mangaon, Dist. Raigad.