

**Ajay Shankar Chavhan & Ors.Vs.  
Balkrushna Sadashiv Shinde & Ors**

**ORDER BELOW EXHIBIT 16 IN RCS NO. 173/2017**  
**(Decided on 02/08/2018)**

The plaintiff No.1 presented this application for bringing on record the legal representatives of the plaintiff No.2 under Order 22, Rule 3 of the Code of Civil Procedure. Perused the application and say of the defendants. Heard both the parties.

02. The plaintiff No.1 submitted that he and the plaintiff No.2 have filed the present suit for declaration and perpetual injunction against the defendant Nos. 1 to 5. He submitted that during the pendency of the suit the plaintiff No.2 Shankar Vithoba Chavhan died on 15/04/2018 and he has his wife and four children living behind him. He submitted that it is necessary to bring on record the legal representatives of the plaintiff No.2. Hence, he prayed for bringing them on record.

03. The defendant strongly objected this application without filing detailed say.

04. I have gone through the proceedings of the matter. The present suit is for declaration and perpetual injunction. The plaintiffs asked this relief against the defendants. Though the plaintiff No.2 died during the pendency of the suit the right to sue survives with his legal representatives. The present application is filed within nineteen days/ period of limitation from the date of death of the plaintiff No.2. The plaintiff No.1 produced on record the death certificate of the plaintiff No.2. The legal heirs of the plaintiff No.2

have a right proceed with the matter. Therefore, it is necessary to bring them on record. In result, I pass the following order.

### **ORDER**

Application is allowed.

The legal representatives of the plaintiff No.2 are brought on record as the plaintiffs.

The plaintiff No.1 is directed to file the amended copy of the plaint within a month from the date of this order.

No Costs.

Mangaon.

Date:- 02/08/2018

**(G.S. Hange)**

Civil Judge J.D. Mangaon.