

COMMON ORDER BELOW EXH.88
IN REGULAR CIVIL SUIT NO.32/2017.

(Vikas B. Nakhwa & Ors. Vs. Ramdas J. Gaurikar & Ors.)

1. This application is filed by the plaintiffs for bringing on record the legal heirs of the deceased plaintiff No.1 Vikas Bhalchandra Nakhwa and deceased plaintiff No.8 Ravindra Ramesh Nakhwa on record.
2. Defendant Nos. 4 to 6 have filed their say below application and given their no objection to allow application. Defendant Nos. 1 to 3 have filed their say and contended that the plaintiff had not filed any identity proof of legal heirs of both deceased therefore, necessary order be passed.
3. According to plaintiffs present suit has been filed for removal of the encroachment, possession and injunction. During the pendency of the suit plaintiff No.1 Vikas Bhalchandra Nakhwa died on 04.07.2021 and plaintiff No.8 Ravindra Ramesh Nakhwa died on 17.07.2021. The presence of legal representatives of plaintiff Nos. 1 & 8 is necessary for final adjudication. Hence, plaintiff prays for bringing L.Rs. of plaintiff Nos. 1 & 8 on record.
4. Heard Ld. Advocates for the plaintiffs and defendants. It seems from the record that plaintiff has produced death certificate of plaintiff No.1 Vikas Bhalchandra Nakhwa at Exh.93 and death certificate of plaintiff No.8 Ravindra Ramesh Nakhwa at Exh.92. Thus, plaintiff has proved that plaintiff No.1 Vikas Bhalchandra Nakhwa died on 04.07.2021 and plaintiff No.8 Ravindra Ramesh

Nakhwa died on 17.07.2021. Suit is filed by the plaintiffs for removal of the encroachment, partition and injunction. Presence of L.Rs. of plaintiff Nos.1 and 8 is necessary for final adjudication and for deciding real controversy between the parties. If the application is rejected, it will cause the multiplicity of proceedings. In order to avoid multiplicity of proceedings and final adjudication of the dispute, I pass the following order:

ORDER

1. Application Exh.88 is allowed.
2. The plaintiff is allowed to bring on record the L.Rs. of deceased plaintiff No.1 Vikas Bhalchandra Nakhwa and deceased plaintiff No.8 Ravindra Ramesh Nakhwa.
3. Plaintiff to carry out the amendment and to supply necessary copies to Court as early as possible.

Place- Uran
Date- 04.10.2021.

(N.M.Wali)
Civil Judge, Jr. Dn., Uran.