



Order Below Exh.24
(In R.C.A. No.270/2019)

1. Application is filed for taking legal heirs of deceased Appellant on record.
2. Say of other side was called upon. Say is filed at Exh.29 & application is strongly objected.
3. Heard.
4. Perused record. Following points arise for my determination and findings thereon with reasons are given as follows.

Sr. No.	Points	Findings
1	Whether proposed legal heirs of deceased Appellant are requisite for deciding real controversy between the parties?	Yes.
2	What order?	Application is allowed.

:: REASONS ::

AS TO POINT NO.1

5. In support of application, Dhanaji Namdev Aagaj has filed affidavit at exh.27. Death certificate of Appellant is filed on record along with exh.28. As per death certificate, Appellant has died on 14/01/2023.
6. As per Applicant, Mathura Namdev Aagaj, Dhanaji Namdev Aagaj, Indirabai Kisan Thombare, Tai Pandurang Thombare,



Jyotsna Ramesh Karnuk & Sarika Dilip Patekar are legal heirs of deceased Appellant.

7. As per law, legal heirs of deceased are required to be taken on record within 90 days. From record it is clear that application is filed within limitation period. After death of a party, legal heirs should be brought on record in order to decide real controversy between the parties. If this is not done then it may create further litigation which may create multiplicity of proceeding. Appearance of proposed legal heirs is required while deciding legal issues created in the suit. Considering all these aspects, I pass following order.

:: ORDER ::

1. Application is allowed.
2. Applicant is directed to take legal heirs of deceased Appellant (more specifically described at Exh.24) on record in cause title of the appeal within 14 days from passing of this order.
3. Applicant is directed to file amended copy of appeal.

(Application is disposed of accordingly)

Panvel
Date :- 09/05/2024

(S. C. Shinde)
District Judge-3, Panvel,
Dist.-Raigad