

**:: Order Below Exh. 22 In Regular Civil Appeal**  
**No.283/2019 ::**

1. Application is filed by Appellant for taking legal heirs of deceased Appellant Vasant Raghunath Chaudhari on record. As per Appellant there are five legal heirs to deceased Appellant and they are Pravin Chaudhari, Sunil Chaudhari, Manisha Rothe, Rajendra Chaudhari and Niwas Chaudhari.

2. It is contended that Appellant Vasant Chaudhari has died on 30/11/2021 and he is survived by these five legal heirs.

3. Respondent No. 3 has not filed say to said application therefore applications is proceed without his say. On 02/03/2017 ex-parte order is passed against Respondent No. 1, 2 and 4 therefore there is no say of Respondent No. 1, 2 and 4.

4. Heard Ld. Advocate for Appellant. Perused record. In support of application Appellant has filed affidavit and copy of death certificate of Vasant Raghunath Chaudhari.

5. Following points arise for my determination and findings thereon with reasonings are given as follows.

Sr. No.	Points	Reasons
1	Whether proposed legal heirs are requisite for determining real controversy between the parties ?	Yes.
2	What order ?	Application is allowed

**:: REASONS ::**

**Point No.1**

6. Ld. Adv. for Appellant submitted that Vasant Raghunath Chaudhari has died 30/11/2021 and Pravin Chaudhari, Sunil

Chaudhari, Manisha Rothe, Rajendra Chaudhari and Niwas Chaudhari are survived by deceased Appellant. He further submitted that they are necessary parties for just decision of the case. He further submitted that application is within limitation.

7. From death certificate, it is clear that Vasant Raghunath Chaudhari has died on 30/11/2021. There is no dispute regarding legal heirs. Application for taking legal heirs on record is filed on 25/02/2022 which is within period of limitation therefore there is no delay for taking legal heirs on record. Exh. 22 is signed by all legal heirs of deceased Appellant Vasant Raghunath Chaudhari. Therefore there is no need to issue notices to legal heirs of deceased Appellant. After death of a party, legal heirs should be brought on record in order to decide the real controversy between the parties. If this is not done then it may create further litigation which may create multiplicity of proceedings. Therefore, in order to avoid this type of situation I am of the opinion that the application should be allowed. Hence, I pass following order.

**:: ORDER ::**

1. Application is allowed.
2. Applicant is directed to take legal heirs on record who are more specifically described in para 1 of Exh.22.
3. Applicant is directed to amend the cause title of the Appeal memo within 14 days from the date of passing of this order.
4. Applicant is directed to file amended Appeal memo.
5. Application is disposed of accordingly.

Panvel,  
Dated :-23/06 /2022

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