

:: Order Below Exh.13 In Regular Civil Appeal
No.578/2019 ::

1. Application is filed for taking legal heirs of deceased Appellant Kadar Mohammad Attar on record.
2. As per Applicant, Appellant has died on 04/10/2022 and Shahida Kadar Attar, Tanveer Aalim Manyar and Sameer Kadar Attar are legal heirs of deceased Appellant.
3. Notice of appeal is not served upon Respondent therefore say of other side was not called upon.
4. Heard Ld. Advocate for Appellant.
5. Perused record. Following points arise for my determination and findings thereon with reasonings are given as follows.

Sr. No.	Points	Findings
1	Whether proposed legal heirs are requisite for determining real controversy between the parties?	Yes.
2	Whether there is delay in taking legal heirs on record?	No.
3	What order?	Application is allowed.

:: REASONS ::

As to Point No.1 & 2

6. In support of application, Tanveer Aalim Manyar has filed affidavit at exh.14. Death certificate of Appellant is filed on record and from death certificate it is clear that Kadar Mohammad Attar has died on 04/10/2022.
7. Application is filed on 04/11/2022 within the limitation period prescribed for taking legal heirs on record therefore there is no delay.

8. 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. Therefore, in the interest of Justice and for just decision of the case it would be proper to take legal heirs on record. There is no delay for taking legal heirs on record. Considering all these aspects, I pass following order.

:: ORDER ::

1. Application is allowed.
2. Appellant is directed to take on record the legal heirs of Appellant more specifically described in Exh.13, in the cause title of the appeal memo within 14 days from passing of this order.
3. Appellant is directed to file amended Appeal memo.
4. Application is disposed of accordingly.

Sd/-

(S. C. Shinde)

District Judge-3, Raigad-Panvel.

Panvel,

Dated :- 04/11/2022