

Spl. Civil Suit No.39/2023
(Old Spl. C.S. No.19/2018)
Order below Exh.57

Through this application, plaintiff seeking permission for taking legal heirs of deceased defendant No.3 on record.

02. Despite opportunity, defendant No.4 who happens to be one of the legal heirs of deceased defendant No.3, failed to file say to the application. Consequently, application proceeded without say.

03. Application is supported by affidavit. Deceased defendant No.3 is survived a son namely Vikram Babulal Jaypuriya and a daughter Amita Rajiv Somani named in the application. One of the legal heirs of deceased defendant No.3 namely Amita Rajiv Somani is already on record as defendant No.4. Accordingly, plaintiff filed pursis (Exh.69). Considering the nature of relief claimed under the suit, right to sue survive against L.R.'s of deceased defendant No.3. Thus, I am inclined to allow the application. Resultantly, following order.

ORDER

1. Application is allowed.
2. Plaintiff is permitted to bring legal heirs of deceased defendant No.3 on record.
3. No order as to costs.

Sd/-

Place: Mahad
Date : 30/10/2023

(P. M. Unhale)
Civil Judge, S.D. Mahad