

Regular Civil Suit No.59/2023
(Old R.C.S. No.109/2017)
Order below Exh.80

Through this application, plaintiffs seeking permission for taking legal heirs of deceased Defendant No.8 on record.

02. Perused the application and say filed by defendants.

3. Heard Ld. Advocates for parties.

03. Application is objected by defendants. However not given sufficient reason for objecting. Be that it mean, application is supported by affidavit. Deceased defendant No.8 died on 15/11/2023 survived by legal heirs named in the application. Present application was filed on 14/02/2024 which appears within limitation i.e. within 90 days from the date of death of deceased defendant No.8 as required under Article 120 of Limitation Act. Plaintiffs under the suit sought relief of declaration of ownership over suit land along with relief of mandatory injunction against defendant No.1 to 9 and perpetual injunction against defendant No.3. Considering nature of reliefs claimed under the suit, right to sue survive against legal heirs of deceased defendant No.8. Thus, I am inclined to allow the application. Resultantly, following order.

ORDER

1. Application is allowed.
2. Plaintiffs are permitted to bring legal heirs of deceased defendant No.8 on record.
3. No order as to costs.

Place: Mahad
Date : 14/02/2024

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