

CNR No. MHRT010009262017

Regular Civil Appeal No. 85/2017

Sachin Chimakant Kule

Appellant.

Vs.

Maruti Babu Aakhade & ors.

Respondents.

Order below Exh. 30

1. This is an application filed by applicant for bringing legal heirs on record of respondent no.8 Ramakant Dhakya Akhade.

2. The appellant submitted that the respondent no.8 died on 4/01/2020. On 26/07/2022 he got the information about the demise of respondent no.8 when advocate of respondent filed purshis in the Court. Thereafter, he had to obtain death certificate and necessary information about his legal heirs. All the legal heirs of defendant no.8 are residing in Khalgaon, Jakadevi, Tal. & Dist. Ratnagiri and so it was difficult for him to collect information about names and addresses of legal heirs of respondent no.8. Therefore, it is necessary to bring legal heirs on record of respondent no.8. The present application is supported with the affidavit of appellant. It is prayed to allow the application.

3. The respondents strongly resisted the application by filing say on the application itself and submitted that the present application is not tenable. Therefore, the application is liable to be rejected.

4. On perusal of application and other record of the case, there appears substance in this application. The record shows that the

appellant was not aware of date of death of respondent no.8. He came to know first time about the same after filing of purshis by the advocate of respondent no.8. Delay for filing this application is condoned vide order below Exh.32 In my view for avoiding multiplicity of the proceeding the application needs to be allowed. Hence, the following order.

ORDER

1. Application Exh. 30 is allowed.
2. The appellant is permitted to bring on record the legal heirs of deceased respondent no.8 Ramakant Dhakya Akhade on record.
3. Necessary amendment be carried out.

Date : 01.10.2024.

**(A. M. Ambalkar)
District Judge- 1, Ratnagiri.**

I affirm that the contents of this P.D.F. file order are same, word to word, as per the original order.

Case Number		Reg. Civil Appeal No.85/2017
Name of Stenographer	:-	Mr. Rajesh G. Rahate
Name of Court	:-	District Court-1 Ratnagiri.
Date of Dictation	:-	01.10.2024
Order signed by the P.O. on	:-	01.10.2024
Order uploaded on	:-	01.10.2024