

MHRT040000012017**Order below exh.33 in RCA No.1/2017**

Vinay Shankar Masurkar

---Appellants

Versus

Vasant Ramchandra Sankulkar---Opponents
(deleted) etc.4

1. The legal representatives of deceased Respondent No.1 have preferred the application under Order 22 Rule 4 to implead them as a party in RCS No.26/2011. It is contended that Respondent No.1 died on 27-09-2017. He has executed will deed on 15-06-2017 thereby transferred interest in the suit property in favour of the applicants. The will deed is registered in the Sub Registrar Office Dapoli having registration No.2999 of 2017.

2. The appellant resisted the application by filing say on it. It is contended that the application is preferred with averment that the applicants became legal heirs of the Respondent No.1 as per will deed. There is no lawful order that the Respondents are legal heirs. Therefore the application be rejected.

3. The appellant filed purshish at Exh.38 that the argument is as per their application.

4. Perused the appeal. The appeal is preferred against the Judgment and decree by the learned Civil Judge, Junior Division Dapoli dated 03-11-2016 in RCS No. 26/2011. The learned trial Court granted perpetual injunction against defendant No.1 from obstructing and interfering plaintiff's right to use common water channel which is on the suit property and portion of the suit property where water pump is installed. The defendant No.1 is directed not to remove water pump of the plaintiff installed on the well and not to construct compound wall towards the Southern side of the suit property.

5. It must be considered that the Respondent No.1 Vasant Sankulkar died on 27-09-2017 after passing of the decree. Therefore the amendment can be made in appeal memo. However according to me there is no need to amend the suit. The applicants can proceed on the basis of registered will deed to represent deceased Respondent No.1. Therefore there is no impediment to make amendment in appeal memo. Therefore I pass following order.

ORDER

(1) Application is partly allowed.

(2) The appellant to make amendment in the

appeal memo and incorporate the name of applicants in the place of deceased Respondent No.1 within stipulated time.

(3) No order as to costs.

Date :- 23.02.2026

**(P. S. Chandgude)
District Judge-1, Khed.**

CERTIFICATE

I affirm that the contents of this pdf file Judgment/order are same word as per original Judgment/order.

Case NO.	:	RCA No.1/2017
Name of Stenographer	:	Mrs.V.S.Kulkarni
Court Name	:	District Judge-1, Khed, Tal.Khed, Dist. Ratnagiri
Order dictated by P.O.on	:	23.02.2026
Judgment/Order signed by Presiding Officer on	:	24.02.2026
Judgment/Order uploaded on	:	24.02.2026