

MHRT040004572019



ORDER BELOW EXH. 23 IN
REGULAR CIVIL APPEAL NO. 36 OF 2019

Vasasnt Narsing Bhosale etc.4 Appellant

Versus

Sumatibai Shankar Bhosale etc.7 Respondents

1. The appellant has filed the application to bring legal heirs on record of deceased opponent no. 1A Shivram Babaji Shinde. Secondly to bring on record legal heirs of respondent No. 2 Anil Krishna Yerulkar, who died on 22-03-2012.

2. The respondents resisted the application by filing say on it. It is contended that the application is made after 12 years. So it be rejected and in alternate prayed to cause heavy costs if Court comes to the conclusion that application be allowed.

3. After perusing the record, it seems that the said appeal is filed against the judgment and decree in original suit i.e., RCS No. 6/2006 passed by the learned Civil Judge, J.D., Khed on 25/03/2019. In this particular case, the suit is for permanent and mandatory injunction. The proposed LR's are necessary parties. Amendment can be made at any stage of the suit as per Order 6, Rule 17 of the Civil Procedure Code to decide matter in controversy. In this particular case the suit for permanent and mandatory. Proposed legal representatives are necessary parties. Without them effective order cannot be passed. Therefore, they

shall be taken on record. No prejudice is caused to other side, if amendment is carried out. It will not change the nature of the suit or appeal. In the result, following order is passed :-

ORDER

- (1) Application is allowed.
- (2) The applicant is allowed to bring on record of legal heirs of deceased respondent no. 1A and 2 on or before next date.
- (3) No order as to costs.

Khed.

Date :- 14.06.2024

(P. S. Chandgude)

District Judge -2, Khed,
Tal. Khed, Dist. Ratnagiri.

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

Name of the English Stenographer	Mrs.V.S.Kulkarni
Name of the Court	Mr. P. S. Chandgude, District Judge-2 Khed, Dist. Ratnagiri.
Date of Pronouncement	14.06.2024
Judgment/order Signed On	14.06.2024
Judgment/order Uploaded On	14.06.2024