

ORDER BELOW EXH.94 IN R.C.S. NO.46/2015

(Ramesh Dattatray Mali Vs. Dattatray Sakharam Mali and other-13)

(CNR No.MHRT070007192015)

The plaintiff filed the present application to take the legal heirs of defendant no.1 on the record. As per the plaintiff, defendant no.1 namely Dattatray Sakharam Mali died on the date 22/05/2019. Hence to take on the record the legal heirs of deceased defendant no.1, the plaintiff filed present application.

2. Defendant filed their say and contended that the application is liable to be rejected and heavy cost be imposed on the plaintiff.

3. Heard both the advocates.

4. Defendant no.1 is reported to have died on 22/05/2019 at Pedhe Vitthalpeth, Tal.Chiplun. The death certificate is at Exh. 97. The suit is for declaration and perpetual injunction.

5. Defendant no.1 is survived by the legal heirs namely Sangita Dattatray Mali (Daughter), Santosh Dattatray Mali (Son), Dipak Dattatray Mali (Son), Vaishali Dattatray Mali (Daughter). They are the legal heirs. The application is supported with affidavit. The right to sue therefore survives.

6. The application is filed within the limitation of 90 days. Therefore, I pass the following order : -

- : ORDER : -

- 1) The application is allowed.
- 2) The plaintiff is allowed to bring legal heirs of the deceased defendant no.1 on record on or before next date.

Chiplun
Date : - 14/11/2019

(V.A.Jadhav)
Jt. C.J.J.D., Chiplun.