

Sou. Mangala Sitaram Topare etc.2

Appellants.

Vs.

Shri. Madhusudan Vasant Pathare etc. 2

Respondents.

Order below Exh. 17

1. This is an application filed by appellant No.2 for bringing the Legal heirs of deceased respondent No.2 on record.
2. Proposed legal heirs of deceased respondent No.2 appeared and filed their say on the application strongly opposing the same and prayed for its rejection.
3. Perused the application and say. Heard Ld. Advocate for both the sides at length. Perused the record. After passing of impugned judgment and decree, the respondent No. 2 Vasanti Vasant Pathare expired on 24.04.2018. Thereafter, the appellant got knowledge of the same and therefore, they have moved this application. Proposed legal heirs of deceased respondent No. 2 are children of deceased respondent No.2. They are necessary and proper party to this appeal as the right to sue survives. So, it is necessary to bring them on record for complete adjudication of the appeal and to avoid multiplicity of proceeding. Therefore, this application deserves to be allowed. Resultantly the following order.

O R D E R

1. Application Exh. 17 is allowed.
2. Appellant No.2 is permitted to bring the proposed legal heirs of deceased respondent No.2 on record as respondent Nos. 2A to 2D and to carry out consequential amendment in the appeal memo and supply its amended copies on record within 14 days from the date of this order.

Date : 22.09.2022

(N. S. Momin)
District Judge- 1, Chiplun