

MHSI06-000001-1984

R.C.S. 133/1984
Vijaykumar -Vs- Shantaram

ORDER PASSED BELOW EXH. 224
(Passed on 09-08-2024)

Present application has been filed by the applicant for bringing Legal Heirs of deceased plaintiff on record.

2. The applicant contented that, the plaintiff namely Vijaykumar Gangaram Pai was died on 12/12/2023 leaving behind his Legal Heirs. He has mentioned name and address of the legal heirs of deceased plaintiff. Rights of legal heirs involved in the suit. Therefore they want to proceed with the suit. Hence, legal heirs of deceased plaintiff required to be brought on record.

3. The defendant no. 10(c) has filed his say to this application at Exh.227. He submitted that, the application is not valid. The suit is abated against the plaintiff. The defendant is in possession of the suit property. The applicant has no right to proceed with the suit. Hence prayed for rejection of the application.

4. Perused record and Heard applicant.

5. The plaintiff died on 12/12/2023. Present application is filed on 20/03/2024. Delay caused filing

application is already condoned. The suit is filed for permanent injunction. Right to sue survived. Lrs. Of deceased plaintiff required to be brought on record. In view of above reasons, I proceed to pass the following order.:-

ORDER

1. Application is hereby allowed.
2. Applicant is permitted to brought legal heirs of deceased plaintiff on record and amend the suit accordingly.

Sawantwadi
Date:09/08/2024

(J.M. Mistry)
Civil Judge (Jr.Dn.),
Sawantwadi.