

(CNR No.MHSN0-40001812025)
ORDER BELOW EXH.12 IN REG. CIVIL APPEAL NO.16 OF 2025
(Swapnil Mohan Kamble, etc. V/s. Sarjerao Shankar Kalugade, etc.)

This is an application filed by appellant for to bring the legal representatives of deceased respondent no.1 Sarjerao Shankar Kalugade on record. The respondents have filed reply opposing the application.

2. Heard. Perused the record.

3. It is the contention of appellants that, respondent no.1 Sarjerao Shankar Kalugade expired on dated 20/03/2025 during pendency of the appeal. But, the appellants have no knowledge about Court proceeding. Therefore, the delay is caused to bring legal representatives of deceased respondent on record which is not deliberate. Hence, appellants prayed to allow them for bringing the legal representatives of deceased respondent no.1 on record.

4. The respondents have resisted the application by filing say and denied all the contentions made in the application. Therefore, the application moved by appellant is liable to be rejected.

5. Perused application and say of other side. Perused the death extract filed by the appellants. It reveals that respondent no.1 expired on dt. 20/03/2025. The appellants have not filed this application within the stipulated period of limitation i.e. within 90 days. However, it transpires from the application that sufficient and genuine reason for not bringing legal representative on record are explained by the appellants. The proposed L.R's. are the legal heirs of deceased respondent No.1 and right to sue survives in their favour.

Therefore, I hold that it will be justified to bring them on record as legal representative of deceased respondent No.1.

6. Hence, considering the discussion made above, I hold that the application deserves to be allowed in the interest of justice. In the result following order is passed.

ORDER

1. The application is allowed.
2. The appellants are permitted to bring legal representatives of deceased respondent no.1 on record within 14 days from the date of this order and carry out necessary amendment in the appeal memo.

Date:- 29/09/2025

(A. H. Kashikar)
Adhoc District Judge-1, Islampur.

CERTIFICATE

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

Name of the Stenographer : S.W.Pathan, (Steno Grade-I)
Court Name : Adhoc District Judge-1 & Addl.
Sessions Judge, Islampur.
Date of Order : 29/09/2025
Signed by P.O. on : 29/09/2025
Uploaded on : 29/09/2025