

(CNR No.MHSNO-40003052022)
ORDER BELOW EXH.15 IN MISCELLANEOUS CIVIL APPEAL NO.24 OF
2022
(Vasant Sitaram Patil, etc.17 Vs. Hemantkumar Pandurang Patil, etc.2]

This is an application filed by appellants for bringing legal representatives on record. The respondents have filed reply opposing the application.

02. Heard. Perused the record.

03. It is the contention of appellants that, respondent No.2 Hauserao Yashwant Patil expired on dated 21/02/2024 during pendency of the appeal. But the appellants have not get information of legal representatives, their address and death extract of respondent No.2 within time. Therefore, the delay is caused to bring legal representatives of deceased respondent No.2 on record which is not deliberate. Hence, appellants prayed to allow him for bringing the legal representatives of deceased respondent No.2 on record.

04. The respondents have resisted the application by filing their and denied all the contentions made in the application. The death of respondent No.2 Hauserao Yashwant Patil is not disputed by the respondents. However, it is contended that the reason mentioned for bringing L.R.'s on record is false. Therefore, the application moved by appellant is liable to be rejected.

05. Perused application, affidavit and say of other side. Perused the death extract [list Exh.12] filed by the appellants it reveals that respondent No.2 expired on 21/02/2024. The appellants have filed this application on dated 11/06/2024. Apparently it is not filed 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 appellants are inclined to challenge the order passed in R.C.S. No.378/2021, which is for temporary injunction. The appellants have right to challenge said order. The proposed L.Rs. are the legal heirs of deceased respondent No.2 and right to sue survives in their favour. Therefore, I hold that it will be justified to bring them on record as legal representatives of deceased respondent No.2.

07. 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.2 on record within 14 days from the date of this order and carry out necessary amendment in the appeal memo.

Date :- 18/01/2025

(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	:	J. R. More, Steno, (Grade-I)
Court Name	:	Adhoc District Judge – 1 & Addl. Sessions Judge, Islampur.
Date	:	18/01/2025
Signed by P.O. on	:	18/01/2025
Uploaded on	:	28/01/2025