

(CNR NO.MHSNO-40003912024)
ORDER BELOW EXH.25 IN CIVIL MISC.APPLICATION NO.23 OF 2024
(Shri.Dineshsing Pardeshi, etc. Vs. Sou.Manorama Hajare, etc.)

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

02. Heard. Perused the record.

03. It is the contention of applicants that, opponent No.2 Jaymala Jagdishsing Pardeshi expired on dated 21/05/2024 during pendency of the application. The applicants have no knowledge about law and the death extract of opponent No.2 not received within time. Therefore, the delay is caused to bring legal representatives of deceased opponent No.2 on record which is not deliberate. Hence, applicants prayed to allow them for bringing the legal representatives of deceased opponent No.2 on record.

04. The opponents have resisted the application by filing say and denied all the contentions made in the application. The death of opponent No.2 Jaymala Jagdishsing Pardeshi is not disputed by the opponents. However, it is contended that the reason mentioned for bringing the legal representatives of opponent No.2 is false. Therefore, the application moved by applicants is liable to be rejected.

05. Perused application, affidavit and say of other side. Perused the death extract [list Exh.21] filed by the applicants it reveals that opponent No.2 expired on 21/05/2024. The applicants have filed this application on dated 20/09/2024. Apparently it is not filed within the

stipulated period of limitation i.e. within 90 days. It transpires from the application that sufficient and genuine reason for not bringing legal representatives on record within stipulated period are properly explained by the applicants. The applicants are inclined to challenge the temporary injunction order passed in R.C.S. No.172/2015. The applicants have right to challenge said order. The proposed L.Rs. are the legal heirs of deceased opponrnt 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 opponent 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 applicants are permitted to bring legal representatives of deceased opponent No.2 on record within 14 days from the date of this order and carry out necessary amendment in the main application.

(A. H. Kashikar)

Date :- 30/06/2025

Adhoc District Judge-1, Islampur

Certificate

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

Name of Stenographer : J. R. More [Grade-1]

Court : Adhoc-District Judge-1, Islampur

Date : 30/06/2025

Order signed by the

Presiding Officer : 30/06/2025

Order uploaded on : 01/07/2025

