

COMMON ORDERS BELOW EXH.53 IN SPL.C.S.NO.05/2022

(Vilas Pawar Vs. Chandrakant Pawar & Ors.)

[CNR No.MHSN050002322022]

1. The present application is filed for bringing legal representative of deceased defendant No.3.
2. The present suit is filed for the relief of partition, possession and injunction. Therefore all the persons interested in the suit property are necessary party. Therefore legal representative of deceased defendant needs to be arrayed in the suit. Death certificate Exh.83 suggested that defendant No.3 died on 11/06/2022 and on 20/07/2022 by way of present application plaintiff asserted that proposed parties are legal representative of deceased defendant No.3.
3. Despite of opportunity no one file their say and resisted the application.
4. It is settled principle that suit can not be proceeded against dead person. The order 22 laid down procedure to bring legal representative of the deceased party to suit. The plaintiff satisfactorily shown on record that to his belief and knowledge proposed persons are legal representative of deceased defendant No.3.
5. The application is filed within prescribed period. Therefore for the above reasons needs to be allowed.

ORDER

- (1) Application is allowed.
- (2) Issue Notice to proposed legal representative of deceased defendant No.3 in view of order 22 rule 4 in proforma No.6 of schedule B of C.P.C.

Islampur
Date : 22/04/2024

(Mukul M. Chitale)
Joint Civil Judge Senior Division,
Islampur