

MHSN050015032017



ORDER BELOW EXH. 71 IN RCS NO. 306/2017

1. Perused application and Say. Plaintiff has filed this application to bring the legal representatives of deceased defendant No.3 on record. The defendant has two sons and two daughters. Out of them, defendant No.1 Vaishali Shrirang Pange is already on record. The request of plaintiff to condone the delay and setting aside abatement in respect to defendant No.3 has been allowed just now.

2. The relief sought by the plaintiff would decide rights involved in the immovable property of the plaintiff and defendant, as the suit is for partition. It is to some of the representative of late defendant No.3 are already on record. But, to decide the share per per capita all the successors are the necessary party. Therefore, the right to be sued is survived against remaining L.Rs. Of late defendant No.3. Such correction would help to decide the suit at finality. Accordingly, following order is passed.

ORDER

- (1) Application is allowed.
- (2) On compliance of order passed below Exhs. 69, 70, issue notice to proposed legal representatives of defendant No. 3 under Order 22, Rule 4 in Proforma 6, Schedule B of CPC to call upon them to appear in the proceeding.

(3) Plaintiff is directed to provide copies of plaint for service on proposed legal representatives of defendant No.3.

Sd/-

Islampur

(M.M. Chitale)

Date : 13/12/2023. Joint Civil Judge Senior Division,
Islampur