



Order below Exh.61 in Regular Civil Suit No.82/2020

(Old R.C.S.No.58/2019)

(Indrajit Appaso Suryawanshi V/s. State of Maharashtra Thr. District Collector)

(1). Perused application and say filed by defendant No. 1 to 4 below it. Present application is filed by plaintiff stating that the plaintiff has filed the present suit against defendants for declaration and perpetual injunction. However, on 28/07/2019, defendant No.8 viz., Kondiba Ramchandra Pawar is died leaving behind him persons named in the application i.e. proposed defendant No. 8A to 8D as his only legal heirs. Hence, it is necessary to bring the legal heirs of deceased defendant No.8 on record. Hence, the application.

(2). The application is resisted by defendant No.1 to 4 for want of knowledge of the proposed legal heirs as prayed by the plaintiff. Hence, it is prayed to reject the application with costs.

(3). In order to substantiate the application, plaintiff has also filed certified copy of Death Certificate of defendant No.8 along-with list Exh.64. It shows that defendant No.8 is died on 28/07/2019 at village Nagthane, Tal. Palus. So also, *vide vakalatnama* at Exh.70, the proposed legal heirs of deceased defendant No.8 have also appeared through their Advocate. Thus, there does not appear any dispute regarding names and

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numbers of legal heirs of deceased defendant No.8. Furthermore, the application is made within limitation. Thus, it deserves to be allowed. Hence, the order :-

ORDER

- (1). The application (Exh.61) is allowed.
- (2). Permission is hereby granted *vide* Order XXII Rule 4 of the CPC to take legal representatives of defendant No.8 on record.
- (3) The plaintiff to carry out appropriate amendment in the plaint and shall file copy of amended plaint on or before next date.

Sangli.
Date : 25/02/2022

(A.N.Kulkarni)
Joint Civil Judge Senior Division,
Vita.

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 : S. A. Mane (Grade-II)

Court : Jt.Civil Judge Senior Division, Vita

Date : 25/02/2022

Order signed by the : 25/02/2022
Presiding Officer on

Order uploaded on : 25/02/2022