

**ORDER BELOW EXH.104**

This is an application filed by the plaintiff for grant of permission for bringing Legal heirs of defendant No.1 on record.

02. It is the averment and submission of Ld. counsel for the plaintiff that, during the pendency of the suit the defendant No.1 Natha Sopan Nikam died on 29.07.2024. The legal heirs of deceased defendant No.1 are necessary parties for fair adjudication of matter in hand. Therefore, plaintiff prayed for bringing L.R's of defendant No.1 i.e. Defendant No.1-A to 1-C on record.

03. Per contra, ld. counsel for the defendants filed their say in favour of the application and prayed to allow the application.

04. Heard both the parties in consonance of their respective pleadings and documents. It is admitted position that the suit is filed by the plaintiff for recovery of possession from the defendant no.1. Perused record, it reflect that defendant No.1 Natha Sopan Nikam died on 29.07.2024. Death certificate of defendant No.1 is at Exh.109. The death and legal heirs of defendant No.1 are not in dispute. No doubt, the legal heirs of defendant No.1 are necessary parties for fair adjudication of matter in hand. No prejudice would be caused to the defendants, if the proposed legal heirs will be brought on record. It is very clear in order 22 rule 4(1) that defendant dies and the right to sue survives, the legal representative of the deceased defendant to be made a party and shall proceed with the suit. Therefore, in view of Article 120 of the Limitation Act, 1963, instant application has been filed within stipulated period of 90 days after the death of defendant No.1. therefore, on going through the legal

aspect I do not hurdle to grant this application and same is deserve to allow. However, in the interest of justice, I proceed to pass following order;

ORDER

1. Application is allowed.
2. The plaintiff shall amend the plaint accordingly file amended copy of plaint on record.
3. The plaintiff shall also supply amended copy of plaint to other side.

Vita.

Date: 10.11.2025.

(Smt. V.D.Shirse)

Jt. Civil Judge Jr. Division, Vita,
Tal.Khanapur, Dist.Sangli.

CERTIFICATE

I affirm that the contents of this PDF file are same as per the original.

Name of Stenographer	:-	G.U.Varude,
Name of the Court	:-	Smt. V.D.Shirse, Jt.Civil Judge Jr.Dn.,& J.M.F.C. Vita. Tal:-Khanapur.
Date of decision	:-	10.11.2025.
Signed by P.O. on	:-	10.11.2025.
Uploaded on	:-	12.11.2025.