

IA No. 01/2019
(Narayan Vs. Ismail)

ORDER BELOW EXH. 81 IN R. C. S. NO. 511/2013
CNR No MHSOO700-0050-2013
(Passed on 06-11-2019)

01] This is an application filed by proposed L.Rs. of deceased plaintiff. It is submitted therein that during pendency of suit plaintiff died on 09.08.2019. The proposed L.Rs. are the only surviving legal heirs of the deceased plaintiff. Since cause of action survives to them they need to be brought on record in place of deceased plaintiff to continue the suit against the defendant. Therefore, the instant application needs to be allowed.

02] In reply scribed over the application learned advocate for the defendant have strongly objected it and submitted that since the application is not proper and legal and not within limitation it is liable to be rejected.

03] Perused application and reply scribed over it. Heard learned advocates for both the sides.

04] The instant suit is for specific performance of contract and for permanent injunction. The deceased plaintiff alleged to be in possession of the suit property in respect of which the instant suit for specific performance of contract is pending. Since the proposed L.Rs. have succeeded the property of deceased plaintiff they have right and

interest in the suit property. Therefore, they have every right to continue the suit against the defendant after death of original plaintiff. Since the original plaintiff died on 09.08.2019 the instant application is well within limitation. As such, the instant of application needs to be allowed as per final order. As such, final order is passed as follows:-

ORDER

- 1] The instant application at Exh.81 is allowed in the interest of justice.
- 2] The proposed L.Rs. are permitted to be brought on the record in place of original plaintiff by amending the plaint.
- 3] The amendment be carried out within 14 days.

Date:- 06/11/2019

(P.P. Deshmukh)
Jt. Civil Judge, J.D. Pandharpur

CERTIFICATE

I affirm that the contents of this PDF file Judgment/ Order is same word to word as per the original Judgment.

- a Name of the Stenographer : Shri. A.K. Vibhute.
- b Court : Jt. C.J.J.D.& J.M.F.C.,
Pandharpur.
- c Date of Order : 06.11.2019.
- d Order signed by P.O. On : 06.11.2019.
- e Judgment uploaded on : 11.11.2019.