

MH50070004572017



ORDER ON EXH. 59 IN R.D.No.58/2017
(Passed on 31st March 2026)

1. This application is filed by DH to bring legal representatives of deceased of JD No.5 namely Dashrath Eknath Lohar (Kalsait) on record. The notices were served to proposed legal representatives, but they failed to appear. Therefore, the application is proceeded ex-parte against them. Heard Advocate for DH. Perused the record.

2. It is submitted by DH that the execution proceeding is filed for execution of decree passed in R.C.S.No.85/2012. During the proceeding JD No.5 died on 05.11.2022. It is necessary to bring all legal representatives of JD No.5 on record. Hence, prayed to allow the application.

3. The application is supported with an affidavit. The execution proceeding is filed by the DH for execution of decree passed in R.C.S.No.85/2012. The JD have filed pursis vide Exh.53 in respect death of JD No.5 and DH has filed death certificate of JD No.5 alongwith Exh.64. The JD No.5 died on 05.11.2022. The abatement and delay caused is condoned vide Exh.55 and 57. The proposed legal representatives nor other JD have not objected the names of legal representatives. As right to sue survives in favour of proposed legal representatives, it is necessary to give them opportunity to contest the petition and protect their rights involved in suit property. If opportunity is

not given, it will give rise to multiplicity of the proceeding.

4. The execution petition is for specific performance of agreement. All defendants/JD are directed to execute sale-deed in favour of plaintiff/DH. After death of JD No.5 right to sue survives. The liability fixed upon JD No.5 in decree devolves upon his legal representatives. They are answerable to execute sale-deed in favour of DH. Thus, representation is required to be given to them. In order to decide dispute finally and on merit it will be appropriate to bring all legal representatives of deceased on record. For the reasons mentioned above following order is passed.

ORDER

1. The application (Exh.59) is hereby allowed.
2. The DH is directed to carry out the amendment and bring legal representatives of deceased JD No. 5 on the record on or before next date.
3. No order as to costs.

Pandharpur.
Date : 31.03.2026.

(Smt. S.S.Raul)
Jt. Civil Judge, Junior Division,
Pandharpur, Dist.- Solapur.

Certificate

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

Name of Stenographer	:-	D.S.Landage (Grade-III)
Court	:-	Jt. Civil Court,J.D., Pandharpur.
Date	:-	31.03.2026.
Judgment/Order signed by the Presiding Officer	:-	31.03.2026.
Judgment/Order uploaded on	:-	31.03.2026.