

ORDER BELOW EXH. 46 IN SPL.C.S. NO. 251/2022
(Rajendrakumar Shinde Vs. Jayashri Shinde and Ors.)
[CNR No.MHSO12-000721-2022]

The applicants have filed present application and submitted that, the plaintiff Rajendrakumar Bhanudas Shinde has expired on 06.03.2025. The applicants are legal heirs of the plaintiff. Applicant no. 1 is his wife and applicants no. 2 to 4 are his children. Therefore, it is necessary to bring them on record and necessary amendment in the plaint be permitted. The nature of the suit will not change if application is allowed. No prejudice will cause to the defendants if it is allowed. Hence, the application.

2) The Ld. advocate for defendant no. 5 to 7 has filed say on the application itself and objected the application on the ground that no documentary evidence regarding legal heir has been filed on record. Whole information of legal heir is not there. Therefore, the application is liable to be rejected.

3) Perused application and say thereon. Heard both sides. Death certificate filed alongwith list exh. 50 shows that Rajendrakumar Bhanudas Shinde has expired on 06.03.2025. The present application has been filed on 23.04.2025 i.e. within the stipulated period. It is not specific contention of defendant no. 5 to 7 that the present applicants are not the legal heirs of the plaintiff. So also, they have not suggested the names of other legal heirs of deceased plaintiff. The applicants have filed on record Aadhr cards of applicants no. 2 to 4. The suit was filed by the sole plaintiff for partition and separate possession. Considering the nature of the suit

and reliefs claimed right to sue survive in surviving legal heirs of the plaintiff. Therefore, there is no impediment to allow the application. Hence, following order.

ORDER

1. Application below Exh.46 is allowed.
2. The applicants being legal heirs of deceased plaintiff be brought on record on or before next date.
3. The applicants are permitted to make consequential amendment in the plaint on or before next date.
4. No order as to costs.

Date : 21/06/2025

(**Revati M. Kante**)
Jt. Civil Judge, Sr. Div., Barshi.

CERTIFICATE

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

- a) Name of the Stenographer : G.L.Sutar, Steno. Grade-2
- b) Court : Jt. C.J.S.D. and A.C.J.M.,
Barshi.
- c) Date of Judgment/Order : 21.06.2025
- d) Judgment/Order signed by
the Presiding Officer on : 21.06.2025
- e) Judgment/Order uploaded on : 21.06.2025