

CNR No.MHST-0500-0441-2013

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD**ORDER BELOW EXH.54****IN****R.C.S. NO.169 OF 2013**

1. Shri. Hanmant Balwant Salunkhe & Ors.	...Plaintiffs.
<i>Versus</i>	
1. Hanmant Sitaram Salunkhe & Anr.	...Defendants.

Advocate Shri. M. T. Desai for the plaintiffs.

Advocate Shri. C. G. Katkar for the defendants.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 05/12/2025

ORAL ORDER :

This is an application filed by the legal heirs of deceased plaintiffs for bringing them on record.

2. Perused the application and detailed common handwritten say given by Ld. Advocate for the defendants at Exh.56. Heard learned advocate for both the sides.

3. As per the contents of present application, plaintiff No.1 Shri. Hanmant Balawant Salunkhe expired on 27/07/2021 at village Kival and plaintiff No.2 Sarjerao Balawant Salunkhe expired on 25/11/2021 at village Kival. When plaintiff No.1 and 2 expired at that time there was spread of Covid-19, most of the offices, transport services were closed. The family members of the plaintiffs were under shock due to the sudden death of abovenamed persons. Smt. Dwarkabai Hanmant Salunkhe was suffering illness, Balaso Balwant Salunkhe was suffering from heart pain. Therefore, plaintiffs could not give necessary information to their advocate within time for the

preparation of application to bring the legal heirs of deceased plaintiffs on record. Hence, the application.

4. It appears from the record that plaintiffs have filed suit against defendants for declaration and mandatory injunction on the grounds specifically mentioned in the plaint. After service of writ of summons defendants appeared before Court and filed their written statements. My Ld. Predecessor framed issues. Thereafter on behalf of plaintiffs affidavit examination in chief of Shri. Shivaji Vishnu Salunkhe is filed on record at Exh.33. No cross order is passed on that affidavit on 23/07/2019.

5. As per Order 22 Rule 3, if party fails to make out application within period, the suit abates automatically. In the present suit, abatement of suit is not passed but it is deemed to be passed. On oath at Exh.55 Anil Hanmant Salunkhe stated the reasons for delay caused for filing present application. He has given sufficient and reasonable reason for filing present application. He has stated on oath that Hanmant Balwant Salunkhe expired on 27/07/2021 leaving behind him 1A) Smt. Dwarkabai Hanmant Salunkhe – wife, 1B) Shri. Vikas Hanmant Salunkhe – son, 1C) Shri. Avinash Hanmant Salunkhe – son, 1D) Shri. Anil Hanmant Salunkhe – son as his sole legal heirs. He has also stated on oath that Shri. Sarjerao Balwant Salunkhe expired on 25/11/2021 leaving behind him 2A) Smt. Sunanda Sarjerao Salunkhe- wife, 2B) Smt. Ratnaprabha Sarjerao Salunkhe- wife, 2C) Shri. Baljit Sarjerao Salunkhe – son, 2D) Shri. Vikram Sarjerao Salunkhe – son, 2E) Shri. Amit Sarjerao Salunkhe – son, 2F) Sou. Suvarna Arun Dhane – daughter, 2G) Sou. Sima Avinash Pawar – daughter and 2H) Sou. Sujata Madanrao Bhosale – daughter as his sole legal heirs. In support of his

contentions plaintiffs or the legal heirs of plaintiffs filed death extracts of Hanmant Balwant Salunkhe at Exh.57/1, the death extract of Sarjerao Balwant Salunkhe at Exh.57/2 and death extract of Hanmant Sitaram Salunkhe at Exh.57/3. From these death extracts it appears that Hanmant Balwant Salunkhe expired on 27/07/2021, Sarjerao Balwant Salunkhe expired on 25/11/2021 and Hanmant Sitaram Salunkhe expired on 26/06/2023. It appears that after the death of deceased plaintiffs right to sue survives in favour of their legal heirs and remaining plaintiffs. The legal heirs of deceased plaintiffs are proper and necessary parties. Therefore, it is necessary to bring them on record. If present application allowed, no harm, loss or prejudice will be caused to the defendants but if present application rejected, it will definitely caused harm to the plaintiffs and legal heirs of deceased plaintiffs. Therefore, to avoid multiplicity of proceedings and fair adjudication of all the issues involved in the present suit, it is just and necessary to allow the present application. Hence, in the interest of justice, I proceed to pass the following order.

ORDER

1. Application below Exh.54 is allowed.
2. Permission is granted to the plaintiffs to bring Smt. Dwarkabai Hanmant Salunkhe as plaintiff No.1A, Shri. Vikas Hanmant Salunkhe as plaintiff No.1B, Shri. Avinash Hanmant Salunkhe as plaintiff No.1C and Shri. Anil Hanmant Salunkhe as plaintiff No.1D in the title cause of the plaint as the legal heirs of deceased plaintiff No.1 Hanmant Balwant Salunkhe and insert the words deleted since deceased in front of his name.
3. Permission is granted to the plaintiffs to bring Smt. Sunanda Sarjerao Salunkhe as plaintiff No.2A, Smt. Ratnaprabha Sarjerao Salunkhe as plaintiff No.2B, Shri.

Baljit Sarjerao Salunkhe as plaintiff No.2C, Shri. Vikram Sarjerao Salunkhe as plaintiff No.2D, Shri. Amit Sarjerao Salunkhe as plaintiff No.2E, Sou. Suvarna Arun Dhaneas plaintiff No.2F, Sou. Sima Avinash Pawar as plaintiff No.2G and Sou. Sujata Madanrao Bhosale as plaintiff No.2H in the title cause of the plaint as the legal heirs of deceased plaintiff No.2 Sarjerao Balwant Salunkhe and insert the words deleted since deceased in front of his name.

4. Plaintiff is directed to carry out necessary amendment within stipulated period as per law and supply the copy of amended plaint on record.

Date : 05/12/2025.
Place-Karad.

[S. B. Todkar]
Civil Judge S.D. Karad.