

**ORDER BELOW EXH. 55**

Read an application and the reply filed by defendant no. 1 and 11. Perused the record. Heard the learned counsel for plaintiffs Adv. Shri. V.A. Deshmukh and the learned counsel for defendants no. 1 Adv. Shri. P S. Godse.

2. Plaintiffs filed this instant application and submitted that, during the pendency of this suit, the defendant no. 1 namely Subhash Hanmant Gharge died on 25.05.2024, leaving behind him the legal representative namely Sunanda Subhash Gharge, Supriya Subhash Gharge, Monika Subhash Gharge, Abhay@Bandu Subhash Gharge. According to plaintiffs, the aforesaid persons are only legal representative of deceased defendant no.1. Therefore, plaintiffs prayed to grant permission to bring legal heirs of the deceased defendant no. 1 on record.

On the contrary, defendant no. 1 and 11 filed the reply and opposed to this application on the ground that, the contents of the application are false.

3. On perusal of record, particularly, the copy of death certificate attached with list of document at Exh. 58, it appears that, Subhash Hanmant Gharge died on 25.05.2024. There is no objection regarding the legal heirs mentioned in the application. According to plaintiffs, the aforesaid persons are only the legal representative of the deceased defendant no.1. The plaintiffs filed this application

within the period of limitation. The right to sue survive. Therefore, it is necessary to bring the legal representatives of the deceased defendant no.1 on record. I found substance in the application. Accordingly, I proceed to pass following order.

### **ORDER**

1. The application is allowed.
2. The plaintiff is permitted to bring the legal representative of the deceased defendant no. 1 on record till next date, otherwise this application shall automatically stands rejected.
3. It is further permitted to make necessary amendment in the plaint and to file the amended copy of plaint till next date.
4. Both the parties are directed to take note of it.

Vaduj  
Date:27.11.2024

( D.D. Fulzele)  
Civil Judge Senior Division, Vaduj