



R. C. S. No. 103/2023
Jyotsana Thakur and Ors.
-Vs.-
Tukaram Hadal and Ors.

ORDER BELOW EXH. 24.

(Passed on this 17th day of January, 2025)

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This is an application under Order XXII, Rule 4 of the Code of Civil Procedure for bringing legal representative of defendant No. 1.

2. Read the application and say thereon. Heard learned counsel for plaintiffs and learned counsel for defendant No. 3. Defendant No. 2 and his counsel are absent though called repeatedly. Hence, no reply and hearing on his behalf.

3. Perused the record. According to plaintiffs, they are owner and in possession of the suit property and on 28.04.2023 at about 11.30 a. m. Defendants and other 7 to 8 persons tried to interfere and obstruct in their possession over it. Therefore, they have filed instant suit for simpliciter injunction against defendants. By filling this application, plaintiffs desire to bring legal representative of defendant No. 1. But right to sue does not survive against legal representative of defendant No. 1. Plaintiffs did not seek any relief against legal representative of defendant No. 1 by showing any cause of action arose against him. Moreover, legal representative of defendant No. 1 is not necessary party in this suit. The instant suit can be adjudicated in the absence of legal representative of defendant No. 1. In such circumstances, the instant application needs to be rejected. Hence, I pass the following order :-

ORDER

1. The application is rejected.

2. No order as to costs.

(Typed and pronounced in open court.)

Palghar.

Date :- 17.01.2025.

(Mahendra K. Sorte)
Jt. Civil Judge, Jr. Dn.,
Palghar.