

ORDER BELOW EXHIBIT NO. 35 IN R.C.S. NO. 49/2020

(Sangita and others Vs. Battashibai and others.)

1. This is an application made by applicant/plaintiff no.1 to bring legal representatives of deceased defendant no.1 on record. But the Non-applicants/defendants opposed the application vide their say.

2. Heard. Read the application and say. Perused the record and proceeding. I have also gone through the relevant provisions of the Code of Civil Procedure and the Limitation Act, 1963. This is a suit for permanent injunction.

3. The deceased defendant no.1 is reported to have died on 31/01/2021. She is survived by 1) Babybai Shriram Rathod 2) Sumitra Ranjit Rathod 3) Ranjana Babarao Rathod and 4) Suman Motiram Rathod. Plaintiff nos.1 to 4 and Defendant nos. 2 and 3 are already on record. They are the legal heirs of deceased defendant no.1. The right to sue, therefore, survives. Though present application is not made within limitation period of 90 days, but the delay has been condoned vide order passed below Exh. 32 and abatement has been set aside as per order passed below Exh.33. In view of this, it is necessary to allow the application to bring the legal representatives of deceased defendant no.1 on record. Hence, the following order is passed.

ORDER

- 1] The application is allowed.
- 2] The applicants are permitted to bring legal representatives of deceased defendant no.1 on record of the suit within 14 days from the date of this order.
- 3] The plaintiffs to carry out amendment and file amended plaint within prescribed period.

Mangrulpir
Date- 10/11/2025

Sd/-
(Khwaja C. Kalal)
Jt. C.J.J.D. Mangrulpir,
Tal. Mangrulpir, Dist. Washim.

CERTIFICATE

“ I affirm that the contents of this P.D.F. file order are same word for word as per original order.”

Name :- Shri. S. S. Rathod (Jr. Clerk)

Court Name :- Shri. Khwaja C. Kalal,
Jt. C.J.J.D. & J.M.F.C., Mangrulpir.

Date of Order :- 10/11/2025

Order signed by presiding officer on :- 10/11/2025

Order uploaded on :- 11/11/2025