

RCA No.33/2015
Arvind Belkhede+1-Vs-
Sau.Sulochana Belkhede+9

ORDER BELOW EXH.72

(Dt.24-08-2023)

This application has been moved by the LR's of appellant no.2 to bring their names in the array of appellant no.2 on record.

2. Heard learned advocate for the applicants LR's Shri Deshmukh. Perused the death certificate and the record of appeal including the instant application. Today no one on behalf of Respondents is present when called.

3. Appellant no.2 has expired on 17.03.2023 and his application is being moved on 06.04.2023 i.e. within prescribed time limit. The applicant wants to continue and contest the appeal being LR's of deceased appellant no.2. There is no counter to this application on behalf of other side. Being appeal on facts in this fact finding court being LR's the applicants have every right to contest the appeal on merits and it appears that bringing LR's of appellant on record is necessary to decide the appeal on merits. Hence, to grant opportunity to the applicants to continue the litigation being LR's of deceased appellant and to protect their legal rights and in the interest of justice this application needs to be allowed. As a result the following order-

ORDER

1. The application Exh.72 is allowed thereby applicants are permitted to bring their name as LR's of deceased appellant no.2 on record within 14 days from today.

2. The appellant no.1 is directed to carry out amendment within prescribed time by making necessary amendment in the array of memo of appeal within prescribed time.
3. Both parties to take note.

Dated : 24-08-2023.

(A. M. Deshmukh)
District Judge-2,
Kelapur