

MHYA210012272018



ORDER BELOW EXH.09, IN S.C.C./919/2018
Smt Suman Vishwnath Patil through Anil Vishwnath Patil Vs.
Vyanktesh Traders through P J Mehta

The complainant is reported to be dead, vide Death Certificate Exh.07. In view of the application, the sons and a daughter wants to proceed the matter, on behalf of the complainant, as her legal representatives. I have perused the application. Heard learned Advocate Shri.A.E.Joshi, on behalf of legal representatives. The legal representatives, through their engaged Advocate, relied upon the observations made by the Honorable Bombay High Court, in the case of **Halen C. Pinheiro & Others .vs. Ms.Kamaxi Steel Products through its partners, (2000 Cr.L.J.1622)**. In view of the discussion made by the Honorable Bombay High Court, in paragraph no.8 to 10, held that the proceeding instituted under Section 138 can be continued by the legal representatives of the deceased complainant. In view of said observations, the application is deserves to be allowed. Hence, I pass the following order.

ORDER

1. The application Exh.9 is allowed.
2. The legal representatives, proposed in the application, are permitted to continue the proceeding, on behalf of the deceased complainant Smt.Suman Vishwanath Patil.
3. The application is disposed of, accordingly.

Place :Wani
Date :22.12.2022

(Sudhir M. Bomidwar)
Judicial Magistrate (First Class),
Wani