



1 R.C.S. No.470/2014
Ravi Vs. Mahalingappa
CNR No. MHLA020025332014

ORDER BELOW EXH. 90

01) The present application is filed by the plaintiffs for bringing on record legal heirs of deceased defendant No. 3 Vitthal Hanmantrao Bhosale. The application is opposed by the other defendants by filing their say on the overleaf.

02) Perused application and say. Heard learned advocates for both parties. Learned advocate Shri. Mande appearing for the applicants submitted that defendant No. 3 Vitthal Hanmantrao Bhosale is died on 01/08/2020. The plaintiffs want to bring on record his legal heirs. He further submitted that the present suit is filed for perpetual injunction and after death of defendant No. 3 right to sue survives. Accordingly, he prayed for taking the legal heirs of deceased defendant No. 3 on record by setting aside abatement order.

03) On the other hand, learned advocate Shri. Sonwane appearing for defendants submitted that as the suit is filed for perpetual injunction right to sue does not survive after death defendant No. 3. He further submitted that the application is not maintainable. Accordingly, he prayed for rejection of application.

04) The present suit is filed for perpetual injunction. Defendant No. 3 is reported to be dead on 01/08/2020. However,



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it is clear that in suit for perpetual injunction right to sue does not survive after death of defendant. Therefore, there is no question of taking his legal heirs on record. Thus, the application is devoid of merits and liable to be rejected. Hence, I pass following order.

ORDER

- 1) The application at Exh.90 stands rejected.
- 2) Cost in main cause.

Place: Latur.
Date : 14/10/2022.

(P.T.Gotey)
5th Jt. Civil Judge, S.D., Latur.