

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**30 CIVIL APPLICATION NO.11977 OF 2021
IN SAST/26664/2014**

CHANDRAKALABAI SUBHASH GUNDALE AND ANOTHER
VERSUS
RAJARAM @ RAJEBHAU DATTATRAYA GUNDALE AND ANOTHER

...
Advocate for Applicants : Mr. Venjane Tukaram M.
Advocate for Respondent No.1 : Mr. A. A. Munde
Advocate for Respondent No.2 : Mr. A. U. Pawar
...

CORAM : SMT.VIBHA KANKANWADI, J.
DATE : 15-11-2021.

ORDER :

1. Present application has been filed for bringing the legal representatives of respondent No.1 on record.
2. The Civil Application is within limitation, however, the office objections states that the death certificate has not been filed. It appears that though the applicant has not filed the certified copy of the death extract, yet along with the pursis as per Order 22 Rule 10-A of the Code of Civil Procedure filed by the Advocate for the respondents, he had filed the true copy of the death certificate. Under such circumstances, it is not necessary that it should be brought on record once again.

3. The applicants / appellants are the original defendants No.1 and 2. The suit that was filed against them was for perpetual injunction which was decreed and the appeal filed by them was dismissed. Under such circumstances, when the original plaintiff has expired, it is necessary to bring the legal heirs of original plaintiff on record as right to sue survives. Hence, the application is allowed and stands disposed of.

4. Necessary amendment be carried out within a period of one (1) week.

(SMT. VIBHA KANKANWADI)
JUDGE

vjg/-