

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.7651 OF 2022
IN SA/583/1991

KALURAM UMALA RATHOD DIED LRS. LOBHA AND ANR
VERSUS
MOTI PATTU DIED LRS. SHAIKH UNUS SHIKH MOTI AND ORS

...
Advocate for Respondent Nos. 1/a, R/1/c And R/1/d :
Mr. N. S. Muthiyan
...

CORAM : R.M. JOSHI, J

DATE : APRIL 18, 2023

PER COURT :

1. On 23rd March, 2023, after hearing submissions of both sides, learned Counsel for the applicants had sought time to make further submissions. Thereafter, on 27th March, 2023, none appeared for the Applicants. Today also applicants are absent. There is reason to believe that the applicants have no further submissions to make.

2. By this application the applicants are seeking to bring LR's of deceased Respondent No. 1 on record. There is no dispute about the fact that the original suit was filed for injunction against defendants therein and in so far as Respondent No. 1 is concerned, the allegations against him was that he was witness to

the panchnama drawn, and he was said to be disturbing the possession of the plaintiffs over the suit property. There is nothing on record to show that this deceased Respondent No. 1 was adjoining owner of the property or had claimed any right in the suit property which can be inherited by his LR's. The allegations against him in the plaint were personal in nature. After his death, right to sue does not survive against his LR's.

3. In view of the above, application stands dismissed.

(R.M. JOSHI, J.)

Malani