

IN THE COURT OF SMALL CAUSES, AT MUMBAI

Order below Exhibit No.24

IN

R.A.E. Suit No.120 of 2023

1. Mr. Vijay Anant Nagwekar & others ... Plaintiffs

Versus

1. Mrs. Maya Kashinath Kothulkar & others ... Defendants

And

1-A Rahul Kashinath Kothulkar & another. ... Respondents

Mr. Subhash J. Dhuri, Ld. Advocate for the Plaintiffs.

Ms. Bhakti D. Walavalkar, Ld. Advocate for the Defendant No.1.

Mr. Jayesh Bhatt, Ld. Advocate for the Defendant Nos.2 to 7

Ms. Supriya Jaware Sawant, Ld. Advocate for the Defendant No.8.

**Coram : Smt. R.M. Chavan,
Judge, C.R. No.14
Date : 03/10/2024.**

ORAL ORDER :

The present application is filed on behalf of the plaintiffs to delete the name of defendant No.1 from the cause title of the plaint and to add the name of her legal heirs i.e. respondents in her place.

2. Perused the application and say filed by the respondents. Heard Ld. Advocates for both the sides.

3. From the perusal of record, it reveals that on 23.11.2023 vide pursis Exh.20 Ld. Advocate for the defendant No.1 informed the Court about the fact that the defendant No.1 expired on 07.08.2023. The death Certificate of defendant No.1 is produced alongwith said pursis. The defendant No.1 expired on 23.11.2023 leaving behind the respondents as her only legal heirs and representatives. After the death of original tenant, his legal

heirs are to be taken on record. The right to sue survive against the respondents. They are the only legal heirs of deceased defendant No.1. Hence, for better adjudication of the matter on merits, the legal heirs of deceased defendant No.1 can be taken on record. Accordingly, following order is passed.

ORDER

1. Application (**Exhibit-24**) is allowed.
2. Permission is granted to the plaintiffs to delete the name of defendant No.1 from the cause title of the plaint and to add the name of her legal heirs i.e. respondents in her place by making necessary amendment in the plaint as per Schedule on or before next date.

[R.M. Chavan]
Judge, [Court Room No.14]
Court of Small Causes, Mumbai.

Date : 03/10/2024.