

ORDER BELOW EXH.54.
(Dated 13th June, 2025)

The instant application is filed by the plaintiff Nos.3 & 4 for deleting the name of deceased plaintiff No.2 Kumud Prabhakar Joshi and for necessary amendment. It is the contention of the plaintiff Nos.3 & 4 that plaintiff No.2 Kumud Prabhakar Joshi died on 06/09/2023. Except the plaintiff Nos.3 & 4, there is no any legal heir of deceased plaintiff No.2. The LR's of plaintiff No.2 are already on record. They have further contended that the proposed amendment is necessary for the fair disposal of the suit and in the interest of the justice. Therefore, the plaintiff Nos.3 & 4 prayed for deleting the name of deceased plaintiff No.2 and for the amendment in the title clause of suit.

2] I have called the say of the defendants. The learned advocate for defendants has taken objection and submitted that plaintiff No.2 died on 06/09/2023 and the present application is filed on 23/10/2024. Therefore, this application is barred by limitation. Hence, he prayed for rejection of the application. I have considered the submission of both the parties.

3] Perused the application and say thereon. After perusal of application, it appears that plaintiff No.2 Kumud Prabhakar Joshi died on 06/09/2023. Her death certificate is filed on record below list Exh.52. It appears that except the plaintiff Nos.3 & 4, there is no any other legal heir of deceased plaintiff No.2. They are already on record. It is the submission for learned counsel for defendants that present application is filed after 90 days from the date of death of plaintiff No.2 and therefore this application is barred by limitation. In this context, it is to be noted

that the present application is not for taking the legal heirs of plaintiff No.2 on record, however, the same is for deletion of name of plaintiff No.2. Hence, there is no any substance in the submission of learned defence counsel.

4] Considering the above facts, I am of the opinion that the proposed amendment is necessary for the proper and effective adjudication of the case. The same is purely technical in nature and it does not either change or alter the nature of the claim nor does it seems to be inconsistency. If allowed, it will not cause any prejudice to the defendants. Hence, if the application would be allowed, then no prejudice would be caused to the defendants. In the result, following order is passed.

ORDER

- 1] The application Exh.54 is hereby allowed.
- 2] The name of plaintiff No.2 Kumud Prabhakar Joshi be deleted from title clause of the suit (Exh.1).
- 3] Amendment be made to that effect in Exh.1 within 14 days from the date of this order.
- 4] The plaintiff Nos.3 & 4 are directed to carry out necessary amendment.
- 5] Parties to take note of this order.

Date - 13/06/2025

(D. M. Mata)
9th Jt. Civil Judge, Sr.Divn.,
Pune.

CERTIFICATE

I affirm that the contents of this P. D. F. file Order is same word for word as per Original Order.

Name of Steno : P. B. Aher
(Stenographer Grade-II)

Court Name : D. M. Mata
9th Jt. Civil Judge Senior Division, Pune.

Date of Order : 13/06/2025

Order signed by the
Presiding Officer : 13/06/2025

Order Uploaded on : 13/06/2025