

Presented on : 00-00-0000
Registered on : 13-12-2011
Decided on : --
Duration :

**IN THE COURT OF PRL. CIVIL JUDGE & JMFC
AT BELGAUM
(PRESENTED OVER BY SMT. PRATHIBHA BANDURAO KULKARNI,)**

FDP/0000009/2011

APPELLANTS :

1. Sri Raghuveer Prabhakar Lal Kalwar
CTS No 1916 Plot No 75 Azad Co Op Houseing Society Radha Krishna Marg Dajiba
Desai Road Hindalga Belgaum

VERSUS

RESPONDENTS :

1. Mr Ahmed Karabhai Khoja
Swastik footwear Shop Belgaum

Orders On I.A. No. 8

The I.A. No.8 is filed by the applicant/petitioner No.1 U/o. 1 R. 10(2) R/w. Sec. 151 of C.P.C. seeking permission of the court to amend the cause title of the present petition by deleting the names of deceased petitioners No. 2 and 3.

2. The I.A. No.8 is accompanied with sworn affidavit of the applicant/petitioner No.1, wherein he has submitted that petitioner No.2 is expired on 22/12/2014 and petitioner No.3 is expired on 16/6/2015 and report of death of petitioners No.2 and 3 is already brought to the notice of the court. It is further submitted that applicant/petitioner No.1, petitioners No.4 and 5 are the only legal heirs of deceased petitioners No.2 and 3 and they are on record. Therefore, it is necessary to delete the names of petitioners No.2 and 3 in the cause title of the petition. Hence,

prayed to allow the application.

3. On the other hand, the counsel for the Respondent submitted no objections to I.A. No.8.

4. I have perused the materials placed before the court. I have heard the counsels appearing for the parties.

5. Admittedly, this is a final decree initiated in view of preliminary decree passed in O.S. No. 893/1999. The petitioners are claiming that petitioners No. 2 and 3 are their mother and father, who died leaving behind them as legal heirs and petitioners submitted that legal heirs of petitioners No.2 and 3 are already on record. Therefore, it is necessary to delete the names of petitioners No.2 and 3 from the cause title of the petition. Admittedly, the petitioners No.2 and 3 are expired and petitioners No.1, 4 and 5 are the legal heirs of petitioners No.2 and 3. In view of the same, it is just and necessary to allow the application by permitting the petitioners to cause amendment in the cause title of the petition by deleting the names of petitioners No.2 and 3. Hence, I proceed to pass the following:-

: ORDER :

I.A. No. 8 filed U/o. 1 Rule 10(2) of C.P.C. by the petitioner No.1/applicant is allowed.

Accordingly, the petitioners are directed to cause amendment in the cause title of the petition by deleting the names of petitioners No. 2 and 3 and furnish the amended petition copy.

**Sd/-
(Pratibha. B. Kulkarni)
Prl. Civil Judge & JMFC,
Belagavi.**