



Special Civil Suit No.184/2010
Pratibha -Vs- Gaurishankar
CNR NO.MHAM020006202010

-: ORDER BELOW EXHIBIT NO.331 :-
{Passed on this 17th day of March, 2026}

01. The present suit is filed by the learned counsel for defendant No.8 for taken the case on board. In order to avoid the repetition I have not discussed the contents of the same.

02. Accordingly the say of plaintiff called. Learned counsel for plaintiff Mr. Ambalkar strongly opposed the present application and thereby submitted that the matter is fixed for judgment moreover there is no urgency for taking the case on board as the defendant No.8 has no right to file the present application under Order 22 Rule 4 of the C.P.C.

03. Learned counsel Mr. A.M.Jain for defendant No.8 submitted that defendant No.8 wants to bring the legal heirs of deceased defendant No.1 on record. Therefore, prayed to allow the present application.

04. In view of this perused the suit file. The suit is kept for pronouncing of judgment on 25.03.2026. On yesterday (i.e. 16.03.2026), the learned counsel for defendant No.8 had filed pursis below Exh.330 and thereby informed the Court about the death of defendant No.1. On yesterday the learned counsel for plaintiff had also orally mentioned about the death of defendant No.1. As the matter is fixed for judgment, in view of the Order 22 Rule 6 of the C.P.C., this Court has passed the order below Exh.01 and thereby the matter is kept for judgment. This Court has passed the detailed order below Exh.01 as to why the Court is not bound to order to bring the legal heirs of

deceased defendant No.1 on record because the present suit is kept for judgment and as per Order 22 Rule 6 of the C.P.C. With this I would like to rely on the case law of the Hon'ble Supreme Court **Vikram Bhalchandra Ghongade vs. Deceased party 2025**. In this the Hon'ble Supreme Court has stated that "if the death occurred after arguments were completed the judgment stands under Order 22 Rule 6 of the C.P.C.".

05. Further I would like to mention here that the defendant No.8 is not relative of either plaintiff or defendants No.1 to 7. Considering the order passed below Exh.01 on 16.03.2026, this application does not hold any merit. Hence, I proceed to pass following order.

ORDER

The present application is rejected.

Dated : 17.03.2026

{Meghana Ashish Deshmukh}
9th Jt. Civil Judge {Sr. Dn.},
Amravati.