

R.C.S. No. 381/2019
Sulochnabai & ors. Vs.
Prakash & ors.
Order below Exh. 54

ORDER BELOW APPLICATION EXH. 54
MHAH1400050722019

The plaintiffs filed this application for amendment and bringing the legal heirs of defendant No. 6 on record.

2. It is contended that the plaintiffs have filed this suit for partition, separate possession as well as for measurement and demarcation of the suit lands. On 06/04/2021 defendant No. 6 died. Therefore the plaintiffs want to carry out amendment in the title clause in that respect. Further they also want to bring the legal heirs of defendant No. 6 on record. Therefore they prayed for allowing the application. Defendant No. 1 to 5 have given objection to the said application.

3. The learned counsel for the plaintiffs is absent when called out. Heard the learned counsel for defendant No. 1 to 5.

5. The plaintiffs filed this suit for partition, separate possession and measurement of the suit lands. Defendant No. 6 Dnyandev Patare died on 06/04/2021. His death certificate is produced on record. The legal heirs of defendant No. 6 are necessary parties to the suit. No prejudice will be caused to the defendants if the proposed amendment is allowed. Therefore, in the interest of justice, I pass the following order -

-: ORDER :-

1. The application is allowed.
2. The plaintiffs shall carry out the proposed amendment and bring the legal heirs of defendant No. 6 on record, on or before 21/12/2021 and submit amended copy of the plaint.
3. Cost would be in main cause.

Date : 20.11.2021

(Smt. S. D. Soni)
Jt. Civil Judge, S.D.
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