

Order below Exh. 33 in R.C.S. No. 22 of 2019.

Present application has been filed by the plaintiff for seeking permission to delete the name of defendant No.05 from the array of defendants. Other side has filed their say on this application.

02. Perused the application, say and other material on record. Heard Learned Advocate for both parties and considered their submissions.

03. On perusal of record, it appears that defendants have filed the copy of death certificate at Exh.30/1 of the defendant No.05 namely Anusaya Murlidhar Pawar. The death certificate shows that the deceased defendant No.05 is reported to be died on 26/01/2022. The Learned Advocate for the plaintiff urged that the legal heirs of deceased defendant No.05 are already on record. On perusal of the record, it appears that defendants No.01 to 04 and 06 are already on record in their individual capacities. Therefore, at this juncture, the question to bring the legal heirs of the deceased defendant No.05, separately, on record, does not arise. In such circumstances, as the right to sue survives against the surviving defendants No.01 to 04 and 06. Thus, at this stage, the present application deserves to be allowed. Hence, I pass the following order:-

:- ORDER :-

- 1] The name of defendant No.05 namely Anusaya Murlidhar Pawar is hereby deleted from the array of defendants.
- 2] The Plaintiff is directed to carry out the necessary amendment in the plaint, on or before next date.
- 3] Copy of amended plaint be filed on record.
- 4] Parties to take note.

Date:- 03/04/2025.
Place:- Jamkhed.

Sd/-
(Anushri B. Phand)
Jt. Civil Judge Junior Division,
Jamkhed.