

MHAH230001272015



ORDER BELOW EXH.69 IN R.C.S. No. 55/2015

1. Plaintiff filed this application as per order 6 Rule 17 The Code of Civil Procedure, 1908. According to the plaintiff during the pendency of suit; defendant no. 1 and 2 died. Suit is proceeded ex-parte against the defendant no. 1. Pursis of death of defendant no. 2 is filed at Exh. 16. Plaintiff failed to carry out the said amendment in suit. There is necessity to mention in plaint that defendant no. 1 and 2 died. If application is allowed no prejudice will cause to survive defendants. Therefore, lastly prayed for allowed the application.

2. Defendant no. 5 is filed his say below application and objected the plaintiff's application. According to the defendant no. 5. Defendant no. 1 and 2 are father and mother of plaintiff. Plaintiff was aware about the death of defendant no. 1 and 2. Suit is abated against defendant no. 1 and 2. Plaintiff not filed application for set aside abatement order. Plaintiff not filed death certificate of defendant no. 1 and 2. Application is not within limitation. Lastly prayed for reject the application.

3. I heard the Ld. Advocate for plaintiff and defendant no. 5. Suit proceeded ex-parte against the defendant no. 1. Admitted fact to the plaintiff and defendant no. 5 that defendant no. 1 and 2 are father and mother of plaintiff. Defendant no. 3, 4 are the sister and brother of plaintiff. Legal representative of the defendant no. 1 and 2 are already on record. Technically it remained to amend about the death of the defendant no. 1 and 2. Plaintiff filed death certificate of defendant no. 1 and 2 along with application. Amendment is technical and not change nature of the suit. Therefore, plaintiff's application deserve to allow. Hence, following order.

:Order:

1. Application at Exh. 69 is allowed
2. Plaintiff is directed to carry out amendment within 14 days and filed amended plaint.

Place : Shrigonda
Date : 17.03.2026

(R. B. Khawale)
2nd Joint Civil Judge Junior division,
Shrigonda