

ORDER BELOW EXH. 28 IN RCS NO. 13/2018

(CNR No. MHAH250000452018)

This is application by plaintiffs seeking permission to bring legal heirs of deceased defendant No. 16 on record, inter alia to carry out consequent amendment in plaint as per Order VI Rule 17 of C.P.C.

2. It is submitted that pending suit, defendant No. 16 has died, leaving behind their legal heirs. It is further submitted that in order to decide suit on merit, it is necessary to bring legal heirs of defendant No. 16 on record. Hence, this application.

3. Application is opposed on the submission that contents of application are not correct. Hence, it be rejected and if allowed at all, heavy cost be imposed.

4. Having considered submissions, it appears that death of defendant No. 16 has not been denied. It appears that after death of defendant No.16, right to sue has been survived against her legal heirs. Therefore, considering nature of suit, in view of death of defendant No.16, it is necessary to bring her legal heirs on record and to allow plaintiffs to amend plaint consequent to death of defendant No.16. Hence, I pass following order,

ORDER

1. Application is allowed.
2. Permission is granted to plaintiff s to amend plaint for the purpose as prayed for.

Date: 17.01.2023.
Parner.

(R. K. Deshpande)
Civil Judge, Junior Division
Parner.