

**Order passed below Exh. 92 in R.C.S. No. 49/2013**  
**Shamim Begum Vs Mohammad Alimoddin & others**

01. Plaintiffs have filed this application and submitted that Court on 06.04.2017 allowed application Exh. 89 to bring legal heirs on record and to amend the plaint accordingly and hence plaintiffs are seeking permission to amend the plaint as per Exh. 89 and prayed to allow the application.

02. Defendants filed say and submitted that application is out of limitation, original plaintiff expired on 14.01.2017 and application to bring legal heirs was filed on 07.03.2017 and was allowed on 06.04.2017 and as per law legal heirs needs to be bring on record within 15 days from the date of order. Application is dated 16.06.2017 i.e. two and half months after order, no cogent reason are made out, hence prayed to reject the application.

03. Heard learned Advocate Shri. S. K. Ambekar for the applicants/plaintiffs and learned Advocate Shri. M. B. Rajput for the defendants.

04. It is a matter of record that plaintiffs have filed this application to bring legal heirs of deceased plaintiff on record as per Exh. 89 which was allowed on 06.04.2017 and applicants were directed to amend the plaint accordingly and to file amended copy on or before next date, therefore plaintiffs ought to have amend the plaint within 14 days as per rule. However, it appears that plaint was not amended within 14 days and thereafter plaintiffs have filed

this application to permit them to amend the plaint as per Exh. 89. Though defendants objected the same, said objection are not proper. Considering nature of the suit, and that, no prejudice will be caused to defendants, I am inclined to allow the application. However, as plaintiffs have failed to amend plaint within time, there is delay and hence they should compensate the same to defendants in terms of cost. Hence, I pass the following order.

### **ORDER**

- 1) Application is allowed.
- 2) Applicants are permitted to amend plaint as per Exh. 89.
- 3) Applicants to pay cost of Rs. 200/- to defendants.

Date :- 08<sup>th</sup> December, 2017.

Sd/-  
(Ajay A. Bhatewara)  
Civil Judge (Junior Division),  
Gangapur

### **CERTIFICATE**

I affirm that the contents of this P.D.F. file Order are same, word to word, as per the original Order.

Name of the Stenographer	:	Akshay R. Kulkarni.
Court	:	Civil Judge (J.D.), Gangapur.
Order Date	:	08.12.2017.
Order signed by the Presiding Officer on	:	08.12.2017.
Order uploaded on	:	08.12.2017.