

R. C. S. NO. 28 OF 2021

ORDER BELOW EXHIBIT 38.

**(Mangal Kashinath Dhaigude and Ors Vrs. Sitaram Mhasku
Dhaigude and 2 Ors.)**

Plaintiffs have filed the present application for bring the legal representatives of the deceased defendant No. 1 namely Sitaram Mhasku Dhaigude on record in the suit.

02. Read the application, called say of defendants. Defendants filed their say that plaintiffs should have carry out the amendment in the plaint as the defendant No. 1 is died. Ld. advocate for defendants prayed for appropriate orders by considering the opinions of both parties. From the perusal of copy of death certificate of defendant No. 1, it is seen that he is died on 29.09.2021 and names of his legal representatives are mentioned in the present application from Sr. No. 1A to 1E. It appears that in order to adjudicate the present suit for partition it is necessary to bring all legal representatives of deceased defendant No. 1 on record and plaint to be amended accordingly. Otherwise it will lead to the multiplicity of the proceedings among the parties.

03. In order to decide the share of the parties as it is the suit for the partition it is necessary to bring all the legal heirs

mentioned by plaintiffs in the application on record by adding the word deceased in the name of the late defendant No. 1. Hence, the application is deserved to be allowed in the interest of justice. Hence, the order.

ORDER

1. The application vide Exh. 38 is allowed.
2. Plaintiffs are allowed to carry out the proposed amendment in the plaint within the 14 days from the date of this order.
3. No order as to costs.

Khandala.

(A. K. Damate)

Date : 10.01.2022

Jt. Civil Judge Junior Division, Khandala.