

**RCS No. 143/2012**  
**Balasaheb & Ors. Vs. Ganpat & oth.**  
**ORDER BELOW EXHIBIT.37**

This is an application filed by the plaintiffs to bring L.Rs. Of defendant No.1 on record. Perused the application. Plaintiffs contended that, defendant No.1 died on 10.05.2018 at PavsePangri, therefore, it is necessary to bring his L.RS. on record. Defendants have filed their say on record on the leaf of application. Application of delay condonation at Exh.35 is already allowed. Inadvertently it is mentioned in application that application is under Order 1 Rule 10 CPC, but this application is under Order 22 Rule 4 of CPC.

02] Perused the application. It is contention of plaintiffs that, defendant No.1 died on 10.05.2018, therefore, it is necessary to bring his L.Rs. on record and to carry out necessary amendment in the suit.

03] Heard, counsel for plaintiffs. On going through the overall submission of Ld. Advocate for the plaintiffs and after perusing the overall document produced on record, it is very clear that, suit is for partition and possession. From record, it explicit that, defendant no.1 died on 10.05.2018, therefore, it is necessary to bring his L.Rs. on record and amendment mentioned in this application is necessary to the suit. In such circumstances, if present application is allowed then it would be helpful for curtailing the multiplicity of proceeding and it would be helpful for the proper adjudication of dispute. In above circumstances, if present application is allowed then the correct facts can be brought on record and if this application is allowed then, nature of pleadings of parties would not be changed. No prejudice would be caused to the defendants, if application is allowed. Hence, this application deserves to be allowed. So, in the interest of justice, I pass following order.

**ORDER**

- 1] Application (Exh.37) is allowed as prayed.
- 2] The plaintiffs are hereby directed to bring on record L.Rs. of deceased defendant No.1 to this suit.

- 3] The plaintiffs shall carry out all necessary amendment in plaint within period of 14 days from this order. Further, they are directed to file the copy of amended plaint forthwith.
- 4] Cost in main cause.

Date. 03.02.2022

(Sunita P. Paithankar)  
Joint Civil Judge J.D.,  
Ambad

CERTIFICATE

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

Name of the Stenographer : R.R. Jadhav.

Court Name : J.M.F.C.& C.J.J.D., Court, Ambad

Date : 03/02/2022

Sd/-  
Stenographer

