

MHKO050024992017



**Civil M.A. No. 54/2017**  
**Raju Gawandi & Ors. Vs Makabul Gawandi**

**Order Below Exh. 42**

Present application is filed by applicants as per Order VI Rule 17 of the Code of Civil Procedure for amendment of application.

02. It is submitted that applicant No. 2 Smt. Daulatbi Moula Gavandi is expired. Her death certificate is also filed on record. Applicant No. 2 has only 2 heirs i.e. applicant No. 1-A and 3. Hence, it is necessary to delete name of applicant No. 2 from the application. By allowing the amendment, no prejudice will be caused to other side. Hence, they prayed to allow the application.

03. Opponents have filed their say overleaf of the application and submitted that appropriate order may be passed.

04. Heard both sides.

05. Present application is filed for disobedience of injunction order. As per Article 120 of Limitation Act, applicant must apply for bringing legal heirs of deceased applicant No. 2 within 90 days from date of death. Along with list Exh. 41, death certificate is filed. It appears that applicant No. 2 Smt. Daulatbi is died on 27.07.2024 and present application is filed on 13.10.2025 i.e. after 90 days from date of death of Daulatbi.

06. However, as per Order XXII Rule 6 of Code of Civil Procedure, there shall be no abatement by reason of the death of either party between the conclusion of the hearing and the pronouncing of the judgment. In this case, legal heirs of deceased applicant No. 2 are already on record and for that reason also, application is not abated. Considering the relationship between parties, applicant has to apply for amendment at the earliest time. Application is of the year 2017. It is necessary to expedient the trial.

07. Present application is filed as per provision of Order VI Rule 17 of Code of Civil Procedure. Applicant is not bringing the legal heirs of deceased applicant No. 2 on record, but he is just making the amendment that name of applicant No. 2 may be deleted. Therefore, amendment appears to be formal in nature and it will not change the nature of the application. By allowing the amendment, no prejudice will be caused to other side. Hence, I pass the following order -

### **ORDER**

- (1) Application (Exh. 42) is allowed.
- (2) Applicant is directed to carry out necessary amendment in the application and to file copy of amended application on or before next date.
- (3) No order as to costs.

Ichalkaranji  
Date : 13.10.2025

**(Akshay R. Kulkarni )**  
4<sup>th</sup> Jt. Civil Judge, Junior Division  
Ichalkaranji

**Certificate**

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

Name of Stenographer	Abhijit A. Kadam
Name of Court	Akshay. R. Kulkarni 4 <sup>th</sup> Jt. C. J. J. D. & J. M. F. C. Ichalkaranji.
Date of Decision	13.10.2025
Order signed by the P.O. on	13.10.2025
Order uploaded on	13.10.2025