

MHKO070006582016

**ORDER BELOW EXH.27 IN SPECIAL CIVIL SUIT
NO. 18/2016.**

Smt. Sulabha Pujari and others.

Vs.

Smt. Geeta Pujari and others.

The application is filed by the plaintiffs No.4 to 6 under Order 6 Rule 17 of the Code of Civil Procedure. The plaintiffs No.4 to 6 have filed the present application for inserting the word 'dead' in front of name of plaintiff no.1 by way of amendment. The defendants have filed their say and objected the application.

2) Heard both sides. Perused the documents on record. Learned advocate for the plaintiffs has submitted that the plaintiff no. 1 died on 09/06/2025. Her legal heirs are already on record. Therefore, it is necessary to insert the word dead in front of her name by way of amendment. On the other hand, the learned advocate for the defendants has submitted that the notice of the present application is not issued to be proposed legal heirs. Therefore, the application may be rejected.

3) On perusal of death certificate of plaintiff no.1, it appears that she died on 09/06/2025. It is not disputed by the defendants that her legal heirs are already on record. It appears that the plaintiffs have not prayed for bringing the legal heirs of plaintiff no.1 on record. They have only prayed for inserting the word dead in front of the name of plaintiff no.1. As discussed above, all the legal heirs of plaintiff no.1 are already on record. Therefore, it is not necessary to issue notice of the present application to them, as prayed by the defendants.

4) It appears that the proposed amendment is technical in nature. If the plaintiffs are permitted to insert the word dead in front of

name of plaintiff no.1, no prejudice will be caused to the defendants. Therefore, it is legal and proper to allow the application. In the result, I pass following order-

ORDER

- (1) The application (Exh.27) is hereby allowed.
- (2) The plaintiffs are permitted to insert the word 'dead' in front of name of plaintiff no.1 by way of amendment and they are directed to carry .out said amendment within the period of 14 days.

Date : 06.08.2025

(P.A.Patil)
Jt. Civil Judge Senior Division,
Jaysingpur.