

MHKO110007542017



Reg. Civil Suit No.78/2017
(CNR No.MHKO110007542017)

Order below Exh.37

01. The plaintiffs have made this application for deleting the name of plaintiff No.1 – Smt. Hanifa Moula Naikwadi from the suit. The Ld. Counsel for the plaintiffs submitted that, the plaintiff No.1 – Smt. Hanifa Moula Naikwadi was expired on 08/11/2020. She is not having legal heirs, except plaintiff No.2 to 8, who are already on record. Hence the plaintiffs prayed to delete the name of plaintiff No.1 from the suit.

02. The say of defendants was called. Defendant No.1 to 5, 6(A) and 6(B) have filed their say and objected the application by submitting that, the plaintiff No.1 – Smt. Hanifa Moula Naikwadi was expired on 08/11/2020 and plaintiffs have filed this application at belated stage. Hence they prayed to reject the application.

03. Read application and say. Heard. Perused the record and documents. Considering the reasons mentioned in the application, it reveals that, plaintiff No.2 to 8 are the legal heirs of deceased plaintiff No.1 – Smt. Hanifa Moula Naikwadi and they are already on record. Therefore there is no question of setting aside abatement, delay condonation and bringing her L.Rs. on record. As plaintiff No.1 is dead, it is necessary to delete her name from the suit. Hence I proceed to pass the following order -

ORDER

- 1) Application at Exh.37 is allowed.

- 2) The name of plaintiff No.1 – Smt. Hanifa Moula Naikwadi be deleted from the suit.
- 3) The plaintiffs are hereby directed to carry out necessary amendment in the plaint and shall file amended copy of the plaint on record.
- 4) Application at Exh.37 is disposed off accordingly.

Date : 16/06/2022

(L. M. Pathan)
Civil Judge Junior Division,
Peth-Vadgaon