

ORDER BELOW EXH.12

1. Advocate of appellant has filed application under Order 22 Rule 4 read with Order 6 Rule 17 and Section 151 of the Code of Civil Procedure, 1908. Say of respondent is called for. No say is filed till today. No say order is passed against respondent. Notice was issued to L.Rs. They have appeared vide Exh.17.

2. It is the contention of Advocate of appellant that the appellant Shaikh Mahmad Shaikh Ahamad expired on 07/01/2019. His death certificate is produced at Exh.16/1. He has prayed to bring the legal heirs of deceased appellant on record. As the cause of action survives it is required to bring the legal heirs of the deceased appellant on record. No harm or prejudice would be caused to the respondents if the amendment is allowed. As the application is filed within limitation no costs are imposed. Hence, the order-

ORDER

1. The application is allowed.
2. Appellant to carry out the amendment and produce amended copy within 14 days from today.

Date : 09/04/2019

( Dr. Gauri Kawdikar )  
Adhoc District Judge-2, Latur.