

ORDER BELOW EXH. 69 IN R.C.S. NO.348/2023.
ASHOK CHILME VS. HARISHCHANDRA CHILME AND OTHERS.
CNR No.MHLA170005702023.

The plaintiff has filed application submitting that, the suit was dismissed in default by the Court on 22/06/2024. In View of Order passed by the Honourable High Court Bombay, bench at Aurangabad, in Writ Petition No.16680/2024 the suit is restored.

2] It is further submitted by the plaintiff that defendant No.2 Angad Gangaram Chilme died on 06/08/2025. Shantabai Angad Chilme is the wife of deceased defendant No.2, Mahindra Angad Chilme, Purushottam Angad Chilme are sons of deceased defendant No.2 and Rajshree Vilas Chewale is the daughter of deceased defendant No.2, they may be added as defendant Nos.2/1 to 2/4. It is necessary to take above said legal heirs of deceased defendant No.2 on record for the just decision of the suit.

3] Defendant No.1 has filed his say submitted that he has no objection for the same. Defendant Nos.3 and 4 failed to file their say. Hence "No-Say" order is passed against them.

4] It is clear from the provisions of Order-VI Rule-17 of Code of Civil Procedure that the Court may at any stage of the proceeding allow any party to alter or amend his pleadings and such amendment shall be necessary for purpose of determining the real question in controversy between the parties. In the present application the plaintiff wants add names of Shantabai

Angad Chilme, Mahindra Angad Chilme, Purushottam Angad Chilme Rajshree Vilas Chewale as defendant Nos.2/1 to 2/4 as they are legal heirs of deceased defendant No.2 Angad Gangaram Chilme. Adding names of legal heirs of deceased defendant No.2 in the plaint will not change the nature of the suit. No prejudice will be caused defendants. Hence, I pass following order :-

ORDER

- 1] The application is allowed.
- 2] The plaintiff is granted permission to add names of hantabai Angad Chilme, Mahindra Angad Chilme, Purushottam Angad Chilme Rajshree Vilas Chewale as defendant Nos.2/1 to 2/4. The plaintiff shall carryout their the plaint accordingly within 14 days from this order.
- 3] No order as to costs.

Sd/-

Date: 28.08.2025

(P. I. Mokashi)
Civil Judge Senior Division,
Ausa.