

**Order below Exh.56 in L.A.R. No.230/2006.**  
**Shivaji Chivade (Died) and others Vs. State and others.**  
**(Order passed on 17<sup>th</sup> January, 2026.)**  
**CNR No.MHLA170022802023**

Petitioners have filed application submitting that, original petitioner namely Shivaji Maroti Chivade died on 21.07.2022. Legal heirs of deceased original petitioner Shivaji Maroti Chivade i.e. present petitioner Nos. 2 to 6 are brought on record by the order of this Court. They are daughters of deceased petitioner Shivaji Chivade. They are residing in different villages in their matrimonial houses. Therefore, they are unable to appear before the Court for taking necessary steps in this reference petition. Hence, they have given power of attorney to their real brother namely Vitthal (petitioner No.1) Shivaji Chivade through register power of attorney bearing day book No.4324/2024 dated 29/08/2024 to proceed with this reference. Hence, it is prayed by petitioners that, name of petitioner No. 1 be added as power of attorney holder below the names of petitioner Nos. 2 to 6 and petitioner Nos. 2 to 6 be inserted as petitioner Nos. 1 to 5 in the cause title of the petition.

2. Perused the say of respondent No. 3. The application is objected by respondent No. 3 on the grounds that, the application filed by petitioners is illegal. Vitthal Shivaji Chivade is not party in the present petition. Hence, the amendment cannot be carried out. Therefore, it is prayed by respondent No. 3 that, the application be rejected.

3. Heard learned counsels for petitioners and respondent No.3. Perused the record. The amended reference petition includes the name of Vitthal Shivaji Chivade as petitioner No. 1 as he is the son of deceased Shivaji Maroti Chivade who was the original petitioner. Petitioners have filed copy of registered power of attorney bearing day book No.4324/2024 along with list Exh.64. According to said power of attorney petitioner Nos. 2 to 6 have given power of attorney to petitioner No. 1 to proceed with this reference. Therefore, it is necessary to carry out proposed amendment in the petition. Allowing the application of petitioners, will not change the nature of petition. Hence, in view of Order VI Rule 17 of the Code of Civil Procedure, the application is liable to be allowed. Therefore, I pass following order :-

**ORDER**

1. The application is allowed.
2. Names of petitioner Nos. 2 to 6 be changed as petitioner Nos. 1 to 5 and name of petitioner No. 1 be inserted after names of petitioner Nos. 2 to 6 as their power of attorney holder instead of petitioner No. 1.
3. Petitioners shall carry out the amendment within 14 days from this order.
4. No order as to costs.

Place:-Ausa.  
Date : 17.01.2026.

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