

MHNG080006672023

R.C.S. No.24/2023

Musaraat & ors. Vs. Kamrunisa & ors.



ORDER (BELOW EXH.22)

(Passed on 06.05.2026)

This is an application filed by the defendants/plaintiffs to the counter-claim for deleting the name of deceased plaintiff No.1 i.e. Kasarunnisa Munshi Abdul Kadir from the counter-claim.

2. It is contended that during pendency of the suit defendant No.1/plaintiff No.1 to the counter-claim died on 04.06.2025 leaving behind other defendants/plaintiffs to the counter-claim as surviving legal heirs and representatives. As her legal representatives are already parties to the suit/counter-claim, it becomes necessary to delete name of deceased plaintiff No.1 to the counter-claim from proper adjudication of the case. No prejudice would be caused to the plaintiffs/defendants to the counter-claim, if the application is allowed. Hence, the application.

3. The plaintiffs/defendants to the counter-claim have failed to file their say. Hence, the application proceeded without say of the plaintiffs vide order dated 20.01.2026 passed below present application.

4. Heard, the learned Advocate for the defendants/plaintiffs to the counter-claim. The learned Advocate for the plaintiffs/defendants to the counter-claim remained absent for hearing. Hence, the application

proceeded without hearing of the plaintiffs/defendants to the counter-claim vide order dated 30.04.2026 passed below present application.

5. Perused the record. The defendants filed purshis at Exh.20 contending that defendant No.1/plaintiff No.1 to the counter-claim has expired on 04.06.2025. They have also filed copy of death certificate of defendant No.1 Kamrunissa Munshi Abdul Kadir along with said purshis, which shows that she died on 04.06.2025. As per the contention of the plaintiffs to the counter-claim the legal representatives of deceased plaintiff No.1 to the counter-claim are already on record, therefore it is necessary to delete name of deceased plaintiff No.1 to the counter-claim for proper adjudication of the case. No prejudice would be caused to the defendants to the counter-claim, if the application is allowed. Therefore, the application deserves to be allowed. Hence, I pass following order.

ORDER

1. Application (Exh.22) is allowed.
2. The plaintiffs to the counter-claim shall delete the name of deceased plaintiff No.1 from the array of plaintiffs to the counter-claim within stipulated period after carrying out amendment to the counter-claim as per order below Exh.21 and shall file amended copy of counter-claim accordingly.
3. Costs in main cause.

Kamptee
Date : 06.05.2026.

(R.R. Sherekar)
Joint Civil Judge Junior Division,
Kamptee.

ENDORSEMENT

Case argued on	:	06.05.2026
Order dictated on	:	06.05.2026
Transcription ready on	:	06.05.2026
Order checked and signed on	:	06.05.2026

CERTIFICATE

I affirm that the contents of this P.D.F. File are same word to word as per original order.

Name of Steno :- **Sau. P.A.Nirmal**