

ORDER BELOW EXH. 83

By way of present application, the applicant/original plaintiff sought for permission to delete the name of defendant No.1 Venubai Manohar Ingole.

2] It is submitted that, defendant No. 1 died on 12.11.2023. As the relations between the parties are strain, the fact about the death of defendant No. 1 was not known to the plaintiff. After getting the knowledge, the plaintiff filed the present application. It is also disclosed that, the legal heirs of deceased defendant No. 1 is party on record viz the plaintiff, defendant No.2 and defendant No. 3(i), 3(ii). Therefore, in view of the further development, it is prayed to allow the plaintiff to delete the name of defendant No.1.

3] The application is objected by the defendants on the ground that, information about the death of defendant No.1 was already given to the plaintiff on 25.11.2023. Hence, it is submitted that the application is not tenable. Therefore, it is prayed to reject the application.

4] Perused the record. Heard both sides. The present suit is filed by the plaintiff for partition and separate possession. During the pendency of the suit, defendant No.1 died. The plaintiff claimed that all the legal heirs of deceased defendant No.1 are party to the suit. Therefore, in view of the further development and death of defendant No.1, her name needs to be deleted by necessary amendment. By allowing the proposed amendment, no prejudice will cause to the any party. On the contrary, if the present

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application is rejected then unnecessarily name of defendant No. 1 will be remained as a party, even after her death. Hence, I pass the following order :-

ORDER

- A] The application is allowed as under
- B] The applicant is permitted to carry out necessary amendment as prayed by providing the copy of amended plaint at the time of carrying the amendment.

Saoner
Date:- 05.03.2024

(Santosh R. Bharad)
Jt. Civil Judge (J.D.), Saoner.