

MHNG190001392025



Spl.C.S.No.13/2025

(Old Spl.C.S.No.317/2023)

Marotrao Vs. Dnyaneshwar

ORDER BELOW EXH.NO.15

(Passed on 28.07.2025)

The instant application is filed by the plaintiff for deleting the name of defendant no.3 from the suit.

2. It is contended by the plaintiff that, the instant suit is filed by him for declaration, partition, separate possession and permanent injunction. The plaintiff is claiming his ownership by virtue of successor as well as being Class-I legal heir of his deceased father. The deceased defendant No.3 being the widow of deceased father of the plaintiff was made party in the suit. During the pendency of the instant suit, defendant No.3 had died issueless on 24.03.2024. As defendant no.3 has died living behind her no legal heir, her name is required to be deleted from the suit. Therefore, the plaintiff wants to delete the name of defendant no.3 from the suit as well as other interim applications and does not want to seek any relief against defendant no.3. No prejudice will be caused to the defendants if the application is allowed. Therefore, the plaintiff urged to allow the application.

3. Defendant no.1 and 2 have filed say below the application Exh. 15 and strongly opposed the application. It is contended that the instant application is filed to prolong the matter. Hence, it is urged to reject the application.

(2)

4. Perused the record. Heard both sides. The instant application is filed on affidavit in which it is contended by the plaintiff that defendant no.3 died issueless on 24.03.2024. The plaintiff has filed copy of death certificate of deceased defendant No.3 on record vide Exh.18. On perusal of death certificate, it appears that deceased defendant No.3 Deokabai Rajaram Barai died on 24.03.2024. No prejudice would cause to the defendants if the application of plaintiff is allowed. In the result, I pass the following order:

ORDER

1. Application stands allowed.
2. The plaintiff is permitted to delete the name of deceased defendant no.3 Deokabai Rajaram Barai from the array of defendants and carry out amendment in plaint within 14 days from today.
3. The plaintiff shall supply the amended copy of plaint on record at the earliest.
4. Costs would follow the event.

Date:- 28.07.2025
Place:-Katol

(M.Z.A.A.Q. Quraishi)
Civil Judge Senior Division,
KATOL

CERTIFICATE

I affirm that the contents of this P.D.F. file of Order are word to word, as per original Order.

Name of Stenographer : R. W. Vindane,
(Stenographer Grade-II)
Court of Civil Judge Sr.Dn., Katol.