

**Regular Civil Suit No.126/2017.**

**Order below Exh.35**

(Passed on 06.04.2022)

Perused the application. Heard Ld. Advocate for the plaintiff. Say not filed by defendants, hence application proceeded without say against defendants.

2. Application is filed by plaintiff for deletion of name of defendant No.1 from the suit. It is submitted by the plaintiff that during the pendency of the suit, defendant No.1 Pundlik Shripat Aher i.e. father of plaintiff died on 12.01.2020 leaving behind plaintiff and defendant Nos. 2 to 4 as his legal heirs. Copy of his death certificate is filed on record at Exh.38. Hence, prayed to delete name of defendant No.1 from the suit.

3. Perused Exh.01 and application Exh.35. Suit is for partition, declaration and injunction. It is submitted that plaintiff and defendant Nos.2 to 4 are only legal representatives of deceased defendant No.1. They are already on record. Right to sue survives against remaining defendants. Entry to that effect needs to be made on record. Therefore, present application needs to be allowed to avoid multiplicity of the proceedings. Hence, I proceed to pass following order:-

**ORDER**

1. Application at Exh. 35 is allowed.
2. Entry to that effect to be made on record.
3. Necessary amendment to that effect be carried out by the plaintiff within 14 days from the date of this order.

(Dictated and pronounced in the open court.)

Place: Yeola.  
Date : 06/04/2022.

**(Atish Pralhad Kholam)**  
Jt. Civil Judge, Jr. Division,  
Yeola, Dist.Nashik.

**CERTIFICATE**

I affirm that the contents of this PDF file Order / judgment are same, word to word, as per the original order / judgment.

Name of Stenographer : P.A. Bargal, (L.G. Stenographer)

Name of the Court : A.P. Kholam, Jt. C.J.J.D.,  
Yeola, Dist. Nashik.

Date of Order / judgment : 06.04.2022.

Judgment signed by

Presiding officer on : 06.04.2022.

Order / judgment uploaded on : 06.04.2022.