

R.C.S. No. 1424/2015
old R.C.S. No. 59/2019.

Order Ex. No. 53

Read application & say, Heard for plaintiff as other side is absent when called out for argument.

Present application is filed on behalf of plaintiff to amend plaint as plaintiff No. 3 Anwara died on 25.07.2014 & her legal heirs are already on record as plaintiff No. 1, 2 & def. No. 1, 5, 7, 8. In view of death of plaintiff No. 3, other plaintiffs want to amend plaint in title clause, & at the place of share in plaint. Hence, the present application.

Defendant objected application on the ground that as only zero copy of death certificate is filed on record by plaintiff regarding death of plaintiff No. 3, Court would pass necessary order. Perused record & proceeding

Suit is for partition. Xerox copy of death certificate of plaintiff No. 3 is produced on record at Ex-521. Her death is not in dispute considering nature of suit right to sue survives. If the application is allowed, it would not change the nature of suit. Hence application deserves to be allowed. Accordingly, I proceed to pass following order-

- 1) Application stands allowed as prayed for.
- 2) Plaintiff is hereby permitted to amend plaint as prayed for & comply as per order 6 Rule 18 of C.P.C.

(Pronounced in open court.)



25-7-38

2nd Jt. Magistrate
Bloom,