

ORDER BELOW EXH. 148

Read application and affidavit of plaintiff No. 1/D Bipkkan and say filed by defendant. Perused the documents on record. Heard Ld. Adv. Madhekar for plaintiff and Ld. Adv. S.R. Kale for defendant.

2- This is application filed by plaintiff to delete the name of deceased plaintiff No. 1B/1 namely Gulnar Niyamat Borate. It is the contention of plaintiffs that due to covid-19 Gulnar died on 24.04.2021 in lockdown period. Legal heirs of deceased Gulnar has already included has plaintiff No. B2 to B5. Therefore, the question of abetment of limitation has not arisen. Hence he prayed that name of deceased plaintiff No, 1B may be delete. The defendant has filed say and resist application. It is the contention of defendant that applicant is not maintainable hence kindly be rejected with costs.

3- Considering the rival contentions of parties, following points arise for my determination and my findings on it and reasons therefore are as follows-

	Points	Findings
1-	Whether the application deserves to be allowed ?	... Yes.
2-	What order ?	... As per final order.

REASONS**As to point No. 1 :**

4- The plaintiff has produced death extract of deceased plaintiff No. B/1 at Exh. 150. After perusal said death extract it shows that Gulnar died on 24.04.2021 at Sany Multi Speciality Hospital, Shahu Chowk, Latur. After perusal suit it appears that legal heirs of deceased Gulnar has already

recorded. Hence, considering above facts and circumstances I held that application is tainable and deserved to be allowed. Hence, I answer point No. 1 in the affirmative.

As to point No. 2 :

5- In answer to point No.2, I pass following order.

ORDER

- 1- The application is allowed.
- 2- The plaintiff is directed to delete name of deceased plaintiff No. B1 Gulnar Niyamat Borate in the plaint and make necessary amendment in plaint within 14 days from today.
- 3- The plaintiff is directed to produce amended copy of plaint on record and supply amended copies of plaint to the defendants.

Date : 29.03.2022.

Sd/-
(**Smt. J. N. Yadav**)
Jt. Civil Judge Sr. Division,
Paranda.