

R.C.S.NO.263/2013
Bhimrao/Madhukar
CNRNO.MHOS150004192013

ORDER BELOW EXH.38

- 1) The present application is filed by plaintiff for taking legal heirs of defendant no. 4 on record. It is contended that defendant no. 4 has died on 06-05-2019. It is contended that the legal heirs of deceased defendant no. 4 needs to be taken on record. Hence, prayed for allowing application for making amendment in the plaint by taking the legal heirs of deceased defendant no. 4 on record.
- 2) The learned advocate on behalf of defendants objected the application.
- 3) Heard learned counsel for plaintiff. Perused the record. The defendant no.4 has died on 06-05-2019. The plaintiff submitted that, the persons mentioned in the application are the legal heirs of deceased defendant no. 4. The delay for bringing legal heirs on record has been condoned vide order below exh. 34. The defendants have not specifically objected in respect of the proposed heirs to be the legal heirs of deceased defendant no. 4. Hence, in my opinion the proposed amendment for taking the legal heirs of deceased defendant no.4 on record, certainly appear to be necessary for deciding the real controversy between the parties. Irreparable loss would be certainly cause to the plaintiffs if the application is rejected. On the other hand, no prejudice would be caused to the defendants, if the application is allowed. If the legal heirs of defendant no. 4 are taken on record then it would be helpful in proceeding with the matter on merits. Hence, the application deserves to be allowed as follows :-

ORDER

- 1) The application is allowed.
- 2) The plaintiff to carry out amendment as mentioned in the application and file the amended plaint on record within 14 days.
- 3) No order as to costs.

Date:- 16/09/2021

Sd/-
(**S.P.Rachkar**)
2nd Jt.Civil Judge J.D.,Paranda

CERTIFICATE

I affirm that the contents of this P.D.F. File Judgment/Order are same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. V.N.Phurade
Name of Court	Shri. S.P.Rachkar, 2 nd Jt. C.J.J.D. and J.M.F.C., Paranda
Date of Dictation	16/09/2021
Judgment signed by the P.O. on	16/09/2021
Judgment/Order uploaded on	16/09/2021