



**ORDER BELOW EXH. No.350 IN R.C.S. No.105/2010**

**[ Chingabai Mirgal & ors. Vs. Sadashiv Kokane & Ors. ]**

**(Passed on 9<sup>th</sup> January, 2025)**

This application is moved by plaintiff no. 1A to 1C and 1D-2 and 1D-3 under Order 6 Rule 17 of CPC.

02. As per plaintiffs due to death of plaintiff no. 2, his legal heirs are brought on record. But the LR's of plaintiff no. 2 are not ready to sign the amended plaint. Therefore, they be added as defendant no. 57 to 62.

03. Defendant have filed say on this application and resisted it on the ground that it is not tenable under this provision.

04. Heard. Perused record. Suit is for partition, declaration and injunction. So the legal heirs of deceased plaintiff no. 2 are necessary parties. As they have right to sue and be sued. In correct mention of provision cannot be a ground to reject the application. Further, without the necessary parties this suit for partition cannot be decided on merits and it will even lead to multiplicity of proceedings. Therefore, in the interest of justice, as the Lr's of plaintiff no. 2 are necessary parties to this suit for partition, this application deserves to be allowed. Thus passing following order:-

**ORDER**

1. Application is allowed.
2. Plaintiff is permitted to add legal heirs of plaintiff no. 2 (2A to 2E) as defendant no. 57 to 62.

3. Plaintiff is directed to carry out the amendment within 14 days.

Place :- Daund.  
Date :- 09.01.2025.

[ **Smt. S. A. Virani** ]  
Jt. C.J.J.D., Daund, Dist. Pune.

## **CERTIFICATE**

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

|                                             |    |                                                        |
|---------------------------------------------|----|--------------------------------------------------------|
| Name of Steno                               | :- | S. R. Banda.                                           |
| Name of the Court                           | :- | Smt. S. A. Virani,<br>Jt. C.J.J.D., Daund, Dist. Pune. |
| Order date                                  | :- | 09.01.2025.                                            |
| Order signed by the<br>Presiding Officer on | :- | 09.01.2025.                                            |
| Order uploaded on                           | :- | 09.01.2025.                                            |