



ORDER BELOW EXHIBIT – 15

When called out repeatedly the plaintiff as well as his learned advocate are absent. Perused the record and proceeding. In the present proceeding till date the defendants failed to appear. Perusal of record it appears that since June 2019 present matter is pending unattended due to absence of the plaintiff and his learned advocate. Minute perusal of the record and proceeding, it appears that present application (Exh. 15) has been filed by the plaintiff to delete name of the defendant No.1 (his mother) as she is died on 16/05/2019 and her legal representatives are already on record as the plaintiff and defendant Nos. 2 to 7. Till today the defendants have not filed their say to present application. Considering the age and stage of the matter I am proceeding to decide present application on its own merit in the interest of justice.

2. By filing present application (Exh. 15) the plaintiff has contended that defendant No.1 who is his mother is died on 16/05/2019 and her legal representatives are already on record as the plaintiff and defendant Nos. 2 to 7 and therefore, he filed present application for deleting name of the defendant No. 1 from the title clause of the suit.

3. At the cost of repetition, it is necessary to mention here that till date the defendants have not filed any say to present application. It my humble opinion present application is filed by the plaintiff within 90 days from the date of demise of the defendant No. 1 and therefore, no notice is required to be issued to the proposed legal representatives.

4. After perusal the application and affidavit filed by the plaintiff, it appears that the deceased defendant No. 1 is survived by legal

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representatives who are already on record as the plaintiff and defendant Nos. 2 to 7. Therefore, there is no need to bringing them again on record of the suit.

5. The plaintiff has filed present application to delete name of the deceased defendant No. 1 from the title clause of the suit. Matter is more than 5 years old. It is settled position that to technical and pragmatic approach cannot be called for bringing LR's on record of suit. Moreover, present application is filed within limitation. Therefore, there is no any impediment to allow the application. Hence, the order :-

ORDER

1. The application (Exh. 15) is allowed as prayed.
2. Permission is granted to the plaintiff to carry out necessary amendment in the title clause of the suit in the light of his prayer in the present application within the stipulated period.
3. The plaintiff is directed to file amended copy of plaint within the stipulated period.
4. No order as to costs.

Date : 28/06/2024

(G.S.Badgujar)
4th Jt.Civil Judge Jr.Dv., Daund.

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 Stenographer	P.D. Mane (Grade III)
Name of Court	C.J.J.D. & J.M.F.C., Daund
Date of Dictation	28/06/2024
Judgment/Order signed by the PO on	28/06/2024
Judgment /order uploaded on	29/06/2024