

C.N.R.No. MHRG090001802014

Filed on : 15.12.2017

Decided on : 06.04.2018

Duration : 03 M. 21 Days.

ORDER PASSED BELOW APPLICATION EXH. NO.140

(Passed on this 06th Day of April, 2018)

01] The applicant Sau. Sanjali Sagar Gandhi made this application on affidavit under **Order VI Rule XVII of Civil Procedure Code, 1908** for amendment of plaint by insertion of her name in place of the plaintiff on the count that, the plaintiff died on 15.10.2017 and she is his heir.

02] The defendants filed Say and objected on the ground that, application is not un-tenable and barred by limitation.

03] Perused the application and Say filed by the defendants.

04] Heard Ld. Adv. Mrs. M. N. Manohar for the applicant and Ld. Adv. Mr. N. G. Deshmukh for the defendants.

05] The present application is made for amendment of pleadings under Order VI Rule XVII of Civil Procedure Code, 1908.

06] It is important to note that, if any plaintiff or defendant dies then their heirs can be brought on record if right to sue survives under Order XXII of Civil Procedure Code, 1908. Hence, the present application is not tenable under Order VI Rule XVII of Civil Procedure Code, 1908. In the result following order will meet the ends of justice.

ORDER

01] The amendment application Exh.No.140 stands rejected with cost.

---Sd---

(Subhash L. Phule)
(MH. RG. 0009 - 2125)

Place : Roha. Civil Judge Junior Division, Roha.
Date : 06.04.2018. District Raigad.