



CNR No. MHSI070000112010

Order passed below Exh. No.265

(I.A. No.9/2024) in R.C.S. No.35/2010

This is an application preferred by the plaintiff under Order 22 Rule 4 along with Order 6 Rule 17 of the Code of Civil Procedure.

2. The plaintiff has contended that defendant no.5 namely Suhasini Prabhakar Malye died on 05/05/2023 living behind proposed defendants no.5-A and 5-B. Therefore, prayed to allow the application and substitute legal heirs of the deceased defendant no.5 in place of deceased defendant no.5.

3. The defendant no.1-A-1, 1-A-2, 1-B and 1-C have resisted the application by filing say on overleaf of the application. It is contended that the the reason assigned are false. The application is preferred delayedly. Therefore, prayed to reject the application.

4. The application is supported with the affidavit of defendant no.10. From the contents of the application, it appears that defendant no.5 died on 05/05/2023 living behind proposed defendants no.5-A and 5-B. The right of sue survives against proposed defendants no.5-A and 5-B. Thus, in view of the provisions of Order 22 Rule 4, the proposed defendants no. 5-A and 5-B needs to be brought on record. Hence, the application

filed by the plaintiff is liable to be allowed. Accordingly, I pass following order.

ORDER

The application at **Exh.265** is hereby allowed and the plaintiff is permitted to carry out necessary amendment to add the proposed defendants no.5-A and 5-B in the place of deceased defendant no.5 and provide amended copies of plaint to the parties of the suit.

(Pronounced and dictated in open Court.)

sd/-

Place - Malvan
Date - 04/01/2024

Mahesh R. Devkate
Jt. Civil Judge Jr.Dn., Malvan.