



CNR No. MHSI070000352017

**Order passed below Exh. No.33
(I.A. No.3/2022) in R.C.S. No.23/2017**

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 namely Indranil Bharat Naringrekar died on 03/05/2021 living behind proposed defendants no.1-A to 1-D. Therefore, it is prayed to allow the application and substitute legal heirs of the deceased defendant in place of deceased defendant. My learned predecessor has issued notices to the legal heirs of deceased defendant. In response to the notice proposed defendants no.1-A to 1-D were appeared and resisted the application. It is contended that the reason assigned by the plaintiff are not bonafide and satisfactory. The application is only preferred to prolong the matter. Therefore, prayed to reject the application.

3. The application is supported with the affidavit of plaintiff. From the contents of the application it appears that defendant died on 03/05/2021 living behind proposed defendants no.1-A to 1-D. The right of sue survives against proposed defendants no.1-A to 1-D. Thus, in view of the provisions of Order 22 Rule 4, the proposed defendants no.1-A to 1-D 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.33** is hereby allowed and the plaintiff is permitted to carry out necessary amendment to add the proposed defendants no.1-A to 1-D in the place of deceased defendant and provide amended copies of plaint to the parties of the suit.

(Pronounced and dictated in open Court.)

Place - Malvan
Date - 25/01/2023

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