

**CNR No. MHSI070005692022****Order passed below Exh. No. 44
(I.A. No.6/2023) in R.C.S. No. 113/2022**

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

2. The plaintiffs have contended that defendant no. 1 died on 06/08/2023 living behind proposed defendants no.1-A to 1-E. Therefore, prayed to allow the application and bring the legal heirs of the deceased defendant no.1. The defendants have resisted the application by filing say on overleaf of the application. It is contended that the reasons are not satisfactory. Inordinate delay is caused to file the application. Hence, prayed to reject the application.

3. The application is supported with the affidavit of plaintiff no. 1 namely Shriniwas Keshav Mhaskar. From the contents of the application it appears that defendant no.1 died on 06/08/2023 living behind proposed defendant no.1-A to 1-E. The right of sue survives against proposed defendant no.1-A to 1-E. Thus, in view of the provisions of Order 22 Rule 4, the proposed defendants no. 1-A to 1-E needs to be bring on record. Hence, the application filed by the plaintiffs is liable to be allowed. Accordingly, I pass following order.

ORDER

The application at Exh. 44 is hereby allowed and the plaintiffs are permitted to carry out necessary amendment to add the proposed defendant no. 1-A to 1-E in the place of deceased defendant no. 1 and provide amended copies of plaint to the parties of the suit.

(Pronounced and dictated in open Court.)

Place - Malvan
Date - 23/07/2024

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