

**CNR No. MHSI07000842012****Order passed below Exh. No. 122
in R.C.S. No.33/2012**

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.1 namely Shyamsundar Atmaram Sarmalkar died on 07/02/2024 living behind proposed defendants no.1-A to 1-D. Therefore, prayed to allow the application and bring the legal heirs of the deceased defendant no.1. The defendants have prayed to pass necessary order.

3. The application is supported with the affidavit of plaintiff namely Ravindra Atmaram Sarmalkar. From the contents of the application it appears that defendant no. 1 died on 07/02/2024 living behind proposed defendant no.1-A to 1-D. The right of sue survives against proposed defendant no.1-A to 1-D. Moreover the present application is preferred within the prescribed period of limitation. Thus, in view of the provisions of Order 22 Rule 4, the proposed defendants no. 1-A to 1-D needs to be bring on record. Hence, the application filed by the plaintiff is liable to be allowed. Accordingly, I pass following order.

ORDER

The application at Exh. 122 is hereby allowed and the plaintiff is permitted to carry out necessary amendment to add the proposed defendant no. 1-A to 1-D 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 - 05/08/2024

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