



**CNR No. MHSI070001972019**

**Order passed below Exh. No.118**

**(I.A.No.5/2022) in R.C.S. No.33/2019**

This is an application preferred by the plaintiff no.2 under Order 6 Rule 17 of the Code of Civil Procedure.

2. The plaintiff has contended that defendant no.8 namely Sushila Pundalik Hindalekar died on 17/02/2009. The defendant no.8 living behind the defendants no.4, 5, 6, 7 and 9 as her heirs. The defendants no.4, 5, 6, 7 and 9 are already on record. Therefore, it is prayed that name of the deceased defendants no.8 be strike out from the plaint and permission be granted to carry out said amendment.

3. The defendants have resisted the application by filing say on overleaf of the application.

4. Heard both sides. Both the parties have reiterated the contents of application and say. The application is supported with the affidavit of plaintiff no.2 namely Harshada Haresh Padval. The defendant no.8 died, living behind defendants no. 4, 5, 6, 7 and 9 as a legal heirs. The defendants no. 4, 5, 6, 7 and 9 are already party of the suit. Therefore, it would be just and proper to strike out name of the defendant no.8 from the present suit. Therefore, the plaintiff needs to be permitted to carry out the proposed amendment. Thus, the application filed by the plaintiff

is liable to be allowed and accordingly I pass following order.

**ORDER**

The application at **Exh.118** is hereby allowed and the plaintiff no.2 is permitted to strike out name of deceased defendant no.8 from the plaint and carry out necessary amendment and provide amended copy of the plaint to the parties of the suit free of Costs.

(Pronounced and dictated in open Court.)

Place - Malvan  
Date - 10/10/2023

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