



**CNR No. MHSI070001972019**  
**Order passed below Exh. No.142**  
**in R.C.S. No. 33/2019**

---

---

The present application has been filed by plaintiff No. 2 seeking amendment in the application filed at Exh. 115. It is the contention of the plaintiff that defendant No. 2 had expired, and therefore his wife Pragati Subhash Raut was proposed to be brought on record as his legal representative. However, from the postal report it has come on record that the said Pragati Subhash Raut has also expired. Therefore, it is submitted that a deceased person cannot be brought on record as a legal representative. Hence, the plaintiff has prayed that her name be deleted from the application at Exh. 115.

2. The defendant has opposed the application by filing a say on the application itself. It is contended that the plaintiff did not obtain proper information or instructions before filing the application at Exh. 115. According to the defendant, this shows negligence on the part of the plaintiff and therefore the present application should be rejected.

3. I have heard both sides and perused the record.

4. The application at Exh. 115 has been filed for setting aside abatement against defendant No. 2 on record. Notices were issued to the proposed legal representatives. However, the notice issued to Pragati Subhash Raut was returned by the postal authority with the remark

“deceased.” This clearly indicates that the said person has expired. In such circumstances, it would neither be proper nor necessary to bring a deceased person on record as a legal representative. Therefore, the amendment sought by the plaintiff is necessary. Hence, the application deserves to be allowed. Hence following order,

<b>ORDER</b>	
1.	The application below Exh. 142 is allowed.
2.	The plaintiff is permitted to carry out the amendment in the application at Exh. 115 by deleting the name of Pragati Subhash Raut.
3.	The plaintiff shall file the amended application on record.
4.	No order as to costs.
	(Pronounced and dictated in open Court.)

Place : Malvan  
Date : 11/03/2026

M.K.Fakih  
Civil Judge (J.D.) Malvan.