

**CNR No. MHSI070003812010****Order passed below Exh. No. 310
(I.A. No.4/2023) in R.C.S. No. 146/2010**

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.2 1 namely Vinayak Suryaji Prabhugavkar died on 21/08/2022 living behind proposed defendants no.1-A and 1-B. Therefore, prayed to allow the application and bring the legal heirs of the deceased defendant no.1. The defendants have objected the application and prayed to reject the application.

3. The application is supported with the affidavit of plaintiff namely Subhash Krishna Parab. From the contents of the application it appears that defendant no.1 died on 21/08/2022 living behind proposed defendants no.1-A and 1-B. The right of sue survives against proposed defendants no. 1-A and 1-B. Thus, in view of the provisions of Order 22 Rule 4, the proposed defendants no. 1-A and 1-B 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. 311 is hereby allowed and the plaintiff is permitted to carry out necessary amendment to add the proposed defendants no. 1-A and 1-B 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 - 12/07/2024

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