



CNR No. MHSI070004282018
Order passed below Exh. No. 116
in R.C.S. No. 80/2018

This is an application preferred by the legal heirs of deceased plaintiff no.1 under Order 22 Rule 4 along with Order 6 Rule 17 of the Code of Civil Procedure.

2. The legal heirs of deceased plaintiff no.1 have contended that plaintiff no.1 Dilip Dattatray Mule died on 06/08/2023 living behind proposed plaintiff no. 1-A to 1-E. Therefore, prayed to allow the application and bring them as legal heirs of the deceased plaintiff no. 1. Despite sufficient time and opportunity defendant no. 1, 2, 3, 8, 28 and 29 have not filed their say. Hence, application is proceeded without say of defendant no.1, 2, 3, 8, 28 and 29.

3. The application is supported with the affidavit of plaintiff's legal heirs no. 1-C namely Vinayak Dilip Mule. From the contents of the application it appears that plaintiff no.1 died on 06/08/2023 living behind proposed legal heirs plaintiff no. 1-A to 1-E. The right of sue survives against proposed plaintiff no. 1-A to 1-E. 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 plaintiff no. 1-A to 1-E needs to be bring on record. Hence, the application filed by the legal heirs of deceased plaintiff no.1 is liable to be allowed. Accordingly, I pass following order.

ORDER

The application at **Exh.116** is hereby allowed and the plaintiff's legal heirs are permitted to carry out necessary amendment to add them in the place of deceased plaintiff no.1 and provide amended copies of plaint to the parties of the suit free of Costs.

(Pronounced and dictated in open Court.)

Place - Malvan

Date - 11/02/2025

Mahesh R. Devkate

Civil Judge Jr.Dn., Malvan.