



CNR No. MHSI070004672015
Order passed below Exh. No. 47
(I.A. No.5/2024) in R.C.S. No. 112/2015

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 died on 20/08/2020 living behind proposed defendant no.1-A to 1-C. Therefore, prayed to allow the application and bring the legal heirs of the deceased defendant no.1. The defendants have resisted the application by filing say overleaf of the application. They have contended that present application is filed delayed. No satisfactory reasons are assigned for the said delay. Therefore, prayed to reject the application with Costs.

3. The application is supported with the affidavit of plaintiff namely Dnyandev Tukaram Kandalgavkar. From the contents of the application it appears that defendant no.1 died on 20/08/2020 living behind proposed defendant no.1-A to 1-C. The right of sue survives against proposed defendant no.1-A to 1-C. Thus, in view of the provisions of Order 22 Rule 4, the proposed defendants no. 1-A to 1-C needs to be bring on record. Hence, the application filed by the plaintiffs is liable to be allowed. Accordingly, I pass following order.

ORDER

The application at Exh. 47 is hereby allowed and the plaintiff is permitted to carry out necessary amendment to add the proposed defendant no. 1-A to 1-C 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 - 03/09/2024

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