



CNR No. MHSI070004792018

**Order passed below Exh. No.69
(I.A. No.13/2023) in R.C.S. No.94/2018**

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.6 Uma Durgaprasad Valavalkar died on 07/10/2020 living behind proposed defendant no.6-A. Therefore, it is prayed to allow the application and substitute legal heir of the deceased defendant no.6 in place of deceased defendant no.6. The defendants no.1, 4 and 6 have resisted the application by filing say on overleaf of the application. It is contended that the reasons assigned by the plaintiff are not satisfactory. Therefore, prayed to reject the application.

3. The application is supported with the affidavit of plaintiff. From the contents of the application it appears that defendant no.6 died on 07/10/2020 living behind proposed defendant no.6-A. The right of sue survives against proposed defendant no.6-A. Thus, in view of the provisions of Order 22 Rule 4, the proposed defendant no. 6-A needs to be brought on record. Hence, the application filed by the plaintiff is liable to be allowed. Accordingly, I pass following order.

ORDER

The application at **Exh.69** is hereby allowed and the plaintiff is permitted to carry out necessary amendment to add the proposed defendant no.6-A in the place of deceased defendant no.6 and provide amended copies of plaint to the parties of the suit.

(Pronounced and dictated in open Court.)

Place - Malvan
Date - 01/08/2023

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