



**CNR No. MHSI070004792018**

**Order passed below Exh. No.78**

**(I.A. No.16/2024) 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.1 namely Waman Meghasham Samant died on 01/09/2023 living behind proposed defendants no.1-A to 1-D. Therefore, prayed to allow the application and substitute legal heirs of the deceased defendant no.1 in place of deceased defendant no.1. The defendants no.1, 4 and 6 have resisted the application by filing say on overleaf of the application. It is contended that the application is filed after 2 months 2 days. However, the plaintiff has contended that only 2 days delay is caused. 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.1 died on 01/09/2023 living behind proposed defendants no.1-A to 1-D. The right of sue survives against proposed defendants no.1-A to 1-D. Thus, in view of the provisions of Order 22 Rule 4, the proposed defendants no. 1-A to 1-D 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.78** is hereby allowed and the plaintiff is permitted to carry out necessary amendment to add the proposed defendants no.1-A to 1-D in the place of deceased defendant no.1 and provide amended copies of the plaint to the parties of the suit.

(Pronounced and dictated in open Court.)

sd/-

Place - Malvan  
Date - 05/03/2024

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