

(CNR No.MHSN0-40001912025)
ORDER BELOW EXH.35 IN MISC. CIVIL APPEAL NO.11/2025
(Shital Babaso Chougule V/s. Balwant Ganpati Koli)

1. This application has been moved by the appellants under Order 6 Rule 17 of the Code of Civil Procedure for carrying out amendment in the appeal. The respondent filed his say below Exh.40 and opposed the application.

2. Heard respective advocates at length and perused the record.

3. In the application it is stated that, appellant no.21/2 Sangita Anil Patil expired on dated 12/07/2025. Therefore, by way of this application he prayed for deletion of the name of deceased appellant no.21/2 Sangita Anil Patil from the title column. If said amendment is allowed, the respondent will not suffer any loss. The amendment is of formal nature and the same will not change the nature of proceeding. Same amendment is carried out in suit also. Copy is filed on record. Hence, necessary permission may be granted to carry out the amendment.

4. The respondent has resisted the application by filing say and denied all the contentions made in the application. It is contended that, the reason mentioned in the application is false. The application is filed under wrong provision. Therefore, the application moved by applicant is liable to be rejected with cost.

5. On perusal of record it transpires that appellant no.21/2 Sangita Anil Patil is expired on dated 12/07/2025 and the appellant has filed death certificate of deceased appellant no.21/2. In said circumstances, it is justiciable to allow the appellants to delete the

name of deceased appellant no.21/2 Sangita Anil Patil from the array of appellants.

6. Hence, considering the ends of justice, I hold that the application deserves to be allowed. Accordingly, following order is passed.

ORDER

1. Application is allowed.
2. The appellant is directed to carry out necessary amendment, as prayed within 14 days from the date of this order.

(A. H. Kashikar)

Date: 20/04/2026

Adhoc District Judge-1, Islampur.

CERTIFICATE

I affirm that the contents of this P.D.F. file are same, word to word, as per original order.

Name of the Stenographer	:	S.P. Pethkar, (Steno Grade-II)
Court Name	:	Adhoc District Judge-1 & Addl. Sessions Judge, Islampur.
Date of Order	:	20/04/2026
Signed by P.O. on	:	20/04/2026
Uploaded on	:	20/04/2026