

**Order Below Exh. 16 In Final Decree No. 07/2025.**  
**(Rangrao Kare Vs. Shankar Kare)**  
**(CNR No. MHSN050023182025)**

The decree holder has filed the present application under Order VI Rule 17 of the Code of Civil Procedure (hereinafter referred to as “the C.P.C.” for short).

2. Read the application. Heard. It is the contention of the DH that J. D. No. 1 died on 12/02/2019. Since the decree holder is an illiterate person, he could not approach the Court for bringing the legal heirs of J.D. No. 1 on record as per law. Therefore, he has prayed for allowing the application.

3. On the other hand, the learned Advocate appearing for the judgment debtor submitted that the application under Order VI Rule 17 of the C.P.C. is not tenable. It is further submitted that the final decree was filed against a dead person, i.e., J.D. No. 1, which is also not tenable. Hence, they have prayed for rejection of the application.

4. It is not in dispute that J.D. No. 1 died on 12/02/2019. It is also not in dispute that the present final decree came to be filed on 01/08/2025. According to the parties, the decree holder is the son of J.D. No. 1. In such circumstances, the decree holder was under an obligation to file the final decree against the remaining legal heirs of J.D. No. 1. A prudent man cannot draw an inference that a son may forget the factum of his father’s death. Considering the conduct of the DH, I am of the opinion that the reason mentioned in the application is not a justifiable one.

5. That apart, an application under Order VI Rule 17 of the

C.P.C. is not the correct legal remedy to bring the legal representatives of the judgment debtor on record. Order VI Rule 17 deals with the amendment of pleadings in a pending suit, whereas the death of a judgment debtor in execution proceedings is governed by specific provisions of law. No doubt, it is true that if one of the parties dies during the pendency of a suit, the right to sue survives. However, in the present case, it is an admitted fact that J.D. No. 1 died prior to the filing of the final decree. In such circumstances, I am of the opinion that the present application cannot be said to be tenable. Hence, I come to the conclusion that the application, being devoid of merit, deserves to be rejected. In the result, I pass the following order:

**ORDER**

Application is hereby rejected.

**Islampur.**  
**Date:- 10/10/2025.**

**(Bhagwan M. Karlekar)**  
**Jt. Civil Judge Sr. Dn., Islampur.**

## CERTIFICATE

“ I affirm that the contents of this PDF file order are the same, word to word, as per the original order.

Name of the Steno with Post : Shri. S. K. Patil  
(Stenographer Grade-II)

Name of the Court : Jt. Civil Court Sr. Dn.,  
Islampur

Date of pronouncement of order : 10/10/2025.

Order signed by the P.O.on : 13/10/2025.

Order uploaded on : 13/10/2025.