

Order below Exh.59 in R.C.S.No.155/2023
(Basgonda Birajdar (Patil) & Anr. Vs. Pundangonda Patil(Birajdar & Ors.)
(CNR NO.MHSN080006832023)

The plaintiffs have filed this application to insert the word 'dead' against the name of defendant No.1. According to them, during pendency of suit, defendant No.1 Pundangonda Kamgonda Patil is died on 23.06.2024 at Murnal, Dist:-Bagalkot. His legal representatives are already on record as defendant Nos.2 to 5. So, by this application, the plaintiffs want to just mention the word 'delete' against the name of defendant No.1 in title of plaint. Defendant Nos.6 to 10 raised objection by giving say overleaf the application. According to them, the plaintiffs have to file the present application under the provision of Order 6 Rule 17 of C.P.C. The reasons mentioned in the application are false. Therefore, prayed to reject the application.

2. Heard both sides. Perused the record. After perusal of photocopy of death certificate filed along with Exh.63, it appears that defendant No.1 Pundangonda Patil died on 23.06.2024 at Murnal, Dist:-Bagalkot. Therefore, I do not see any legal impediments in granting this application. As defendant No.1 is died and his legal representatives are already on record, then the permission deserves to be granted to the plaintiffs to mention the word 'dead' against name of defendant No.1 in title of plaint. Hence, the order.

ORDER

1. Application is allowed.
2. The plaintiffs shall carry out necessary amendment in the plaint within stipulated period and file amended copy thereof.

Date:-13.11.2025
Jath.

(Prakash C. Bachhale)
Civil Judge Jr. Dn., Jath.

