

ORDER BELOW EXH.33 IN RCS No.666/2022

(OLD RCS No.407/2018)

(Passed on 16/10/2024)

This is application under Order 6, Rule 17 of Code of Civil Procedure.

2. In short it is application that Shivaji Anantrao Kokate has submitted the suit for declaration that sale deed is illegal and be declared as canceled along with perpetual injunction alternately claim recovery of possession. The original plaintiff Shivaji Anantrao Kokate is expired on 13/10/2021. His legal heirs are brought on record. Therefore, amendment according to it is necessary.

3. To this application the defendant has submitted say below Exh.33 that LR's of plaintiffs are added in the suit in the year 2021. Thereafter, amendment is not claimed. To prolong hearing of the suit present application is submitted. Issues are framed. Therefore, application may be rejected.

4. Heard learned advocate of both sides. Original Plaintiff has submitted his evidence by way of affidavit who is expired. Thereafter, his LR's are brought on record but name of original plaintiff is not deleted. As per contention of plaintiff when LR's of deceased plaintiff are brought on record then name of original plaintiff will not be deleted added of plaintiff but before and after his name in bracket his name required to be written. Accordingly, the plaintiff as per order below

2 RCS No.666/2022(EXH.33)

Exh.22 mentioned the bracket before and after name of original plaintiff and thereafter, he has mentioned name of his LR's when the amendment is carried out as per order below Exh.22 on 15/02/2021. In such circumstances, there is no reason to pass order of amendment or correction on this application. Hence, application is rejected.

Date-16/10/2024.

Sd/-
(U.V.Joshi)
Civil Judge Senior Division,
Malshiras.