

ORDER BELOW APPLICATION (EXH.604) IN R.C.S.No.442/1978

Present application is filed by the plaintiff seeking permission to amend the plaint so as to bring legal representatives of deceased defendant No.31 on record.

2. It is asserted that by the plaintiff that defendant No.31 has died on 20.12.2018. Persons named in the application are his legal representatives. Right to sue survives. It is necessary to bring them on record. If the plaintiff is not permitted to bring them on record, he would suffer irreparable loss. Hence, the application.

3. Other defendants have filed the say and objected the application contending that defendant No.31 has alienated the property. Hence, his legal representatives cannot be brought on record. Ultimately, they have prayed for rejecting the application.

4. Other non-applicants have not disputed the fact that defendant No.31 is dead. Objection raised by other defendants is that defendant No.31 has alienated the property. It would be appropriate to give an opportunity to his legal representatives to put their case before the Court. Hence, their participation is necessary. In view of the above, application is allowed. Plaintiff is permitted to amend the plaint so as to bring legal representatives of deceased defendant No.31 on record. He shall carry out the amendment within two weeks and submit a copy of the amended plaint.

Date : 25.01.2019.

(S.K. Khan)
Jt. Civil Judge (J.D.),
Barshi.

CERTIFICATE

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

Name of Stenographer : A.S.Magnur.

Court Name : S.K.Khan,
Jt.C.J.J.D.& J.M.F.C. Barshi.

Date : 25.01.2019.

Judgment signed by the
presiding officer on : 25.01.2019.

Judgment uploaded on : 25.01.2019.