

MHSO130006522018



R.C.S. No.544/2018

Popat Bhosale & ors

Vs.

Bhausahab Rathod & ors.

ORDER BELOW EXH.- 21

01. This is an application filed by the plaintiffs for amendment of the plaint.

02. Perused the application. Heard learned Advocate of the plaintiffs.

03. The plaintiffs contended that plaintiff No.4 Subhadra Ramchandra Bhosale is died on 22/09/2020 at Pune. Legal heirs of the deceased plaintiff are already on record. By this amendment, nature of the suit will not be changed or no prejudice will cause to the defendants. Therefore, they prayed for permission to make bracket to the name of deceased plaintiff No.4 and write as dead in front of her name.

04. The defendants have not filed their say to this application, hence this application is proceeded without their say.

05. Perused the application and death certificate of deceased on record. It appears that the plaintiffs have filed the present suit for perpetual injunction against the defendants. Plaintiff No.4 is died on 22/09/2020 at Pune. The legal heirs of the deceased plaintiff No.4 are already party in the suit as plaintiff No.1 to 3 and 5 to 8. The plaintiffs have filed this application on 20/02/2024. Thus, the plaintiffs have not

brought this fact of death of plaintiff No.4 on record within limitation and caused huge delay, however, this delay can be condoned by imposing costs upon the plaintiffs. In such circumstances, it is necessary to make amendment in title clause of plaint regarding making bracket to the name of deceased plaintiff No.4. By allowing the application for amendment, nature of the suit will not change. If the application is allowed, then no prejudice will cause to the defendants. Considering these facts, application deserves to be allowed. The defendants have not contested this application, so the costs requires to be paid to the Taluka Legal Services Authority, Barshi. Hence, I proceed to pass following order:

ORDER

- 1) The application is allowed subject to costs of Rs.1,000/- (Rs. One Thousand only) to be paid by the plaintiffs to the Taluka Legal Services Authority, Barshi on or before next date.
- 2) After payment of costs, the plaintiffs to carry out necessary amendment in Exh.1 and furnish the copy of amended plaint on record.

(Dictated and pronounced in open Court.)

Date:- 10/09/2025

(Smt. P. V. Raut)
Jt. Civil Judge (J.D.), Barshi.

CERTIFICATE

I affirm that the contents of this PDF file Judgment/Order is same word to word as per the original Judgment / Order

(a)	Name of the Stenographer	:	Shri.S.R. Barangule
(b)	Court	:	Smt. P.V. Raut, Jt.C.J.J.D.&J.M.F.C. Barshi.
(c)	Judgment /Order declared on	:	10/09/2025
(d)	Judgment /Order signed by P.O. on	:	10/09/2025
(e)	Judgment /Order uploaded on	:	10/09/2025