



ORDER BELOW EXH.- 30

01. This is an application filed by plaintiffs for amendment under Order VI Rule 17 of Civil Procedure Code, 1908.

02. Perused the application and say. Heard both sides.

03. The plaintiffs contended that they have instituted suit against the defendant for the relief of declaration and perpetual injunction. However, during the pendency of suit, plaintiff No.2 Gaffar Yusuf Maniyar died on 06/08/2025. Legal heirs of the deceased plaintiff No.2 are not on record. Therefore, they prayed for permission for amendment regarding taking legal representatives of plaintiff No.2 on record. The application is within limitation. Hence, prayed for allowing the application.

04. The defendant filed his say below the application and contended that application is not true and not tenable. Notices are required to be issued to legal heirs of deceased. The plaintiffs have filed present suit for declaration and they have no concern to the subject matter. Hence, prayed for rejection of the application.

05. The legal representatives of deceased plaintiff No.2 appeared after service of notice, however, they didn't

file say to this application, hence, application is proceeded without their say.

06. Perused the application, it reveals that the plaintiff has filed the present suit for declaration, perpetual injunction and mandatory injunction.

07. Perused the application, it reveals that the plaintiff No.2 Gaffar Yusuf Maniyar was died on 06/08/2025 and the application is filed on 28/10/2025. The application to bring the legal representatives of the deceased plaintiff on record of the suit is filed within limitation. It is necessary to bring them on record as right to sue is survived to them in the present suit. By allowing the application, nature of the suit will not change. If the application is allowed, then no prejudice will cause to the defendant, in fact, matter will be decided on merit. Considering this facts, application deserves to be allowed. In such circumstances, I proceed to pass following order;

ORDER

- 1) The application is allowed.
- 2) The plaintiffs to carry out necessary amendment in Exh.1 to bring the LR's of the deceased plaintiff No.2 Gaffar Yusuf Maniyar on record of the suit within 14 days and furnish copy of amended plaint.

(Dictated and pronounced in open Court.)

Date:- 27/02/2026

(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, Stenographer Grade-III
(b)	Court	:	Smt. P.V. Raut, Jt.C.J.J.D. & J.M.F.C., Barshi.
(c)	Judgment /Order declared on	:	27/02/2026
(d)	Judgment /Order checked on	:	27/02/2026
(e)	Judgment /Order signed by P.O. on	:	27/02/2026
(f)	Judgment /Order uploaded on	:	27/02/2026