

ORDER BELOW EXH. NO. 67 IN R.C.S. NO. 114/2010

By this application, the plaintiff has prayed for permission to carry out amendment just to take an entry about death of defendant Nos. 2 and 7 in title clause of the plaint vide Order 6 Rule 17 of C.P.C.

2) Despite sufficient opportunity defendants have not submitted their say. Perused the record. Suit is for perpetual injunction filed by the plaintiff against eight defendants in all. Matter is pending for evidence of the plaintiff.

3) By filing present application it is submitted by the plaintiff that, defendant No. 2 Shankar Dhondi Waghmare died on 22/03/2019 and defendant No. 7 Dhanaji Tukaram Waghmare died on 05/07/2015. However, it is contention of the plaintiff that, right to sue survive against the surviving defendants. Therefore, he has prayed for causing an entry about death of defendant Nos. 2 and 7 in title clause of the plaint vide Order 22 Rule 2 of the C.P.C.

4) It appears that, defendant Nos. 2 and 7 are no more. While, right to sue survives against other defendants. Considering this aspect, it appears just to allow the plaintiff to carry out amendment just to cause an entry regarding death of defendant Nos. 2 and 7 to be made on record. Hence, I pass the following order ;

O R D E R

1. Application (Exh. 67) is allowed.
2. Plaintiff to carry out amendment in title clause of the plaint just to cause an entry about death of defendant Nos. 2 and 7 on or before next date.

3. Cost in cause.

Date : 07/11/2024.

(P. G. Mahalankar)
Jt. Civil Judge, J. D., Mohol.

CERTIFICATE

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

Name of Stenographer	: V. A. Dange
Court	: Jt. C.J.J.D., Mohol
Date	: 07/11/2024
Judgment/Order signed by the Presiding Officer	: 07/11/2024
Judgment/Order Uploaded on	: 08/11/2024