

ORDER BELOW EXH. 26 IN R.C.S.NO. 550/2016

Perused the application and say filed by defendants side. Heard learned advocates at length. Perused all relevant documents.

This application is filed for permission to amend the plaint. In support of contents of present application an affidavit is filed at Exh.27. It is mentioned in the application as well as affidavit that defendant no.1 Gorakh Narayan Ingole is died on 23/04/2017 and plaintiff and defendant nos. 2 to 3 only are his legal representatives and therefore it is necessary to amend the plaint by mentioning the word "dead" after his name. The copy of death certificate of deceased defendant no.1 is filed on record along with list at Exh. 28. Though, defendants side has objected this application, on perusal of the record, it appears that this suit is filed in respect of an immovable property. It is not disputed that defendant no.1 is died and only plaintiff and defendant nos. 2 & 3 are his legal representatives. The grounds mentioned by defendants side in the say are not sufficient to reject this application. No serious prejudice will be caused, if present application is allowed. Considering the nature of the suit, in order to settle actual controversy between both parties completely, it will be just and proper to allow the plaintiff side to amend the plaint by inserting the word "dead" after the name of deceased defendant no.1. Considering all facts and circumstances, it will be just and proper to allow this application. Subject to compliance of order passed below Exh.24.

Therefore, in view of above discussion, in the interest of justice, I pass the following order.

ORDER

- 1) Present application is allowed in following terms.
- 2) The plaintiff side is hereby permitted to amend the plaint by inserting the word "dead" after the name of deceased defendant no.1 Gorakh Ingole subject to compliance of order passed below Exh.24. The plaintiff side is further directed to submit requisite copies of amended plaint on record.

Date:- 09/08/2019

(Sachin S. Patil)
Civil Judge, J.D. Sangola,
Dist. Solapur.

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	:	S.P.Parekar
(b)	Court	:	Shri. S.S. Patil, Civil Judge, J.D.& J.M.F.C.Sangola
(c)	Judgment /Order signed by P.O. on	:	09.08.2019
(d)	Judgment /Order uploaded on	:	09.08.2019