

CNR No.MHST-0500-1145-2024

IN THE COURT OF CIVIL JUDGE SENIOR DIVISION, KARAD
ORDER BELOW EXH. 40 IN Spl.C.S.NO.82/2024

1. Mrs. Mumtaj Rahim Sayyad & Ors.	...Plaintiffs.
<i>Versus</i>	
1. Mrs. Pranoti Sharad Yadav & Ors.	...Defendants.

Advocate Mr. A. S. Patil for the plaintiffs.

Advocate Mr. S. V. Chavan for the defendant Nos.2 to 4.

Coram : S. B. Todkar,
C.J.S.D. Karad.
Date : 11/06/2026

ORAL ORDER :

This is an application by the plaintiff Nos.2 & 3 for amendment in the title cause of the plaint.

2. Perused the application and say. Heard for both side.

3. It appears from the record that plaintiffs have filed present suit against defendants for declarations, possession, compensation along with interest etc. on the grounds specifically mentioned in the plaint. After service of writ summons upon the defendant No.2 to 4 appeared before Court. The defendant Nos.3 & 4 have filed their say cum written statement at Exh.31. The defendant No.2 has filed his written statement at Exh.35. During pendency of the suit plaintiff No.1 expired on 26/02/2026 therefore, plaintiff No.2 has filed pursis to that effect on record at Exh.37. Thereafter, plaintiff Nos.2 & 3 have filed present application for amendment in the title cause of the plaint.

4. On oth at Exh.41 plaintiff No.2 viz. Mr. Riyaj Rahim Sayyad stated that during pendency of the suit the plaintiff No.1 viz. Mrs. Mumtaj Rahim Sayyad expired on 26/02/2026 living behind her the plaintiff Nos.2 & 3 as her sole heirs and legal representatives.

At Exh.39/1 the death certificate of Mumtaj Rahim Sayyad is on record. It appears from that death certificate that Mumtaj expired on 26/02/2026. The plaintiffs have filed present application on 13/04/2026. Present application is well within time. After death of plaintiff No.1 right to sue survives in favor of her heirs i.e. plaintiff Nos.2 & 3. The plaintiff Nos.2 & 3 already on record. Under the circumstances if present application allowed no prejudiced will be caused to the defendants. As the plaintiffs have made out case for relief application deserves to be allowed. Hence, I proceed to pass following order.

ORDER

1. Application Exh.40 is allowed.
2. Permission is granted to the plaintiff Nos.2 & 3 to insert the words 'deleted since deceased' in front of the name of the plaintiff No.1 in the title cause of the plaint.
3. Permission is granted to the plaintiff Nos.2 & 3 to insert the words legal heirs and representatives of the plaintiff No.1 in front of their own names in the title cause of the plaint.
4. Plaintiff Nos.2 & 3 are hereby directed to make necessary amendment in the title cause of the plaint on or before 14 days from the date of this order and supply copies of amended plaint on record.
5. Liberty is granted to defendants to file additional written statement if they want.

Date : 11/06/2026.

[S. B. Todkar]
Civil Judge, S.D. Karad.