

**Order below Exh.48 in RCS No.3/2017**

01. This application is made by the defendant No.8 to transpose him as a plaintiff in the suit.

02. Read say of Ld. Advocate for the other defendants.

03. Heard to the both sides.

04. This application is made by advocate for plaintiffs on behalf of the plaintiff to transpose the defendant No.8 as a plaintiff because original plaintiff died and his legal representatives are not aware about the facts in the suit. It is submitted that present plaintiffs and defendant No.8 have substantial question to be decided against other defendants, hence, he prayed to allow the application.

05. Per contra, Ld. Advocate for the defendants submitted that this application cannot be entertained because when original plaintiff impleaded defendant No.8 as a party in the suit, at that time, he could have taken the defendant No.8 with him as a plaintiff, but, he did not to do so. Hence, this application cannot be entertained.

06. It is fact on record that original plaintiff is died and his legal representatives are taken on record. From written statement of defendant No.8 below Exh.41, it reveals that he has admitted a claim of the plaintiff. Thus, it reveals that substantial question to be decided only against defendants No.1 to 3 & 5. Hence, transposition of defendant No.8 as a plaintiff in the suit does not affect on the right of other defendants. Accordingly, this application deserves to be allowed, hence, I pass the following order:

**ORDER**

1. *Application at Exh.48 is hereby allowed.*
2. *Plaintiffs shall transpose the defendant No.8 as a plaintiff in the suit, till next date and amended copy of the plaint shall be sewed on contesting defendants.*

Date: 08.03.2021  
Dahiwadi

( R. R. Thorat )  
Jt. Civil Judge Jr. Div, Dahiwadi.