

Ramesh vs. Jagannath & Ors.

ORDER BELOW EXH. 68 IN REG. CIVIL SUIT No.78/2010

1] Instant application has filed by plaintiff for amendment of plaint and bring LR of deceased defendant No.1A on record. Defendants have filed his say and contended that, application is false and in laternate prayed for necessary order may be passed. Heard Adv. Shri. S.T. Narale for plaintiff and Advocate Shri. M.S. Dombe for defendants at length.

2] On considering above discussion and entire record it reveals that, instant suit has instituted for partition and declaration. Defendants have filed written statement at Exh.28 and denied suit in toto. Suit pending for hearing on Exh.5. Meantime defendant No.1, 3 and 5 were expired and their L.Rs brought on record. Instant application filed for amendment and bring L.Rs. Of deceased defendant No.1A. Defendant No.1A expired on 01/12/2018. His Death Certificate has filed at Exh.67. Instant application is filed today i.e. within 90 days to bring L.Rs of defendatn No.1A on record. It shows that, there is no delay to bring L.R.s on record. Instant suit is for partition and declartion, therefore, right of L.Rs of deceased defendant No.1A be

survive. Therefore, it is necessary to amendment of plaintiff for adjudicate real question between party and effective implementation of decree. Said amendment cannot change suit nature and no prejudice to other side.

3] From above discussion and considering nature of suit it is necessary to bring L.Rs. of deceased defendant No.1A and amend plaint. Thus from above discussion I proceed to pass following order for meet end of justice.

ORDER

- 1] Instant application Exh.68 is hereby allowed.
- 2] Plaintiff is directed to carry out proposed amendment and bring LR of deceased defendant No.1A on record within 14 days from today and furnish amended copy of plaint.
- 3] Concern clerk be give effect of proposed amendment in Suit Register.
- 4] Cost in cause.

Mhaswad, Tal.Man
Date : 07/01/2019

(**Gajendra M. Kolhapure**)
Civil Judge J.D., Mhaswad,

CERTIFICATE

I affirm that the contents of this P. D. F. File order are same word to word, as per the original order.

Name of the Stenographer : D.C. Raut, Steno (L.G.)

Court Name :Civil Judge Jr. Dn., Mhaswad, Tal.Man, Dist. Satara

Order Date : 07/01/2019

Order signed by the Presiding Officer on : 07/01/2019

Order uploaded on : 07/01/2019