

CNR NO.MHSCA30005792025

IN THE COURT OF SMALL CAUSES AT MUMBAI
[BANDRA BRANCH]
(Appellate Bench)

ORDER BELOW EXH-13
IN
MARJI APPLICATION NO. 39 OF 2025
IN
APPEAL NO..... OF 2024
IN
RAE & SUIT NO. 250 OF 2022

Mr. Virendrakumar Ramnarayan Singh

**...Applicant
(Original
Plaintiff)**

Versus

Mr. Krishna Shankar Bhabal

**... Respondent/
(Original
Defendant)**

And

Mr. Shankar Kirshna Bhabal & Ors

**(Proposed
respondents)**

Adv. A. N. Giri for the Applicant

Adv. Gajanan P. Lasure proposed Respondents

Coram : Sambhaji D. Thakare,
Additional Chief Judge,
&
Vidya M. Dewar, Judge
Court Room No. 41,
Date :12.08.2026

ORAL ORDER : - (Per Smt. Vidya M. Dewar, Judge,)

The applicant/ Org. plaintiff has filed this application to
carry out amendment in the Marji application and appeal memo by

deleting the name of respondent and by adding the names of proposed respondent Nos. 1 to 3.

2. It is submitted by the applicant that he has filed appeal before this court against the order passed by the learned Trial Court dated 22.04.2024, whereby the plaint has been rejected under Order 7, Rule 11 read with Section 22 of the Maharashtra Slum Areas (Improvement, Clearance and Redevelopment) Act 1971. During the pendency of the appeal, the respondent expired on 24.10.2025 leaving behind the proposed respondents as his legal heirs and it was informed to the applicant on 29.10.2025. But respondent's death certificate has not been filed on record. The details of legal heirs and legal representatives has not been supplied inspite of repeated request. As per intimation dated 29.10.2025, the applicant filed this application to amend the Marji application as well as appeal memo by deleting the name of deceased respondent and by adding names of proposed respondent Nos. 1 to 3.
3. The proposed respondents appeared before the Court and filed reply. They opposed the application on the ground that the applicant is trying to delay the process of law.
4. Heard learned Advocates for the applicant and proposed respondents.
5. The proposed respondents have not disputed the death of original respondent and they are the legal heirs and representatives of original respondent. The right to sue survive against legal heirs of deceased respondent. Therefore, it will appropriate to permit the

applicant to bring the legal heirs of deceased respondent on record by carrying out amendment in the Marji application and appeal memo. Hence, we pass following order.

ORDER

1. The application is allowed.
2. The applicant is permitted to carry out amendment in the Marji application and appeal memo by substituting the names of proposed respondents in place of deceased respondent.
3. The applicant shall carry out necessary amendment in the Marji application and appeal memo within 14 days from the date of this order.
4. The applicant shall file copy of amended Marji application and appeal memo and provide the same to other side.

I Agree,

(Sambhaji D. Thakare)
Additional Chief Judge
C.R. No. 41
Court of Small Causes, (B.B)
12.08.2026

(Vidya M. Dewar)
Judge,
C.R. No. 41
Court of Small Causes, (B.B)
12.08.2026