

CNR NO. : MHSCA2-000369-2021

**IN THE COURT OF SMALL CAUSES MUMBAI
ORDER BELOW EXHIBIT 20
IN
R.A.D. SUIT NO.19 OF 2022**

1) Smt. Rukaiya Shariatullah Khan & Ors. ... Plaintiffs
Versus
1) The Hasnabad Premises Co-operative
Society Ltd. & Anr. ... Defendants

Advocate for the plaintiffs : Mona Vyas
Advocate for the defendant No.1 : A. A. Kocharekar

**Coram : R. M. Tuwar
Judge, C.R. No.13
Date : 20.01.2024**

ORDER :

This is an application taken out by the plaintiffs to delete the name and address of plaintiff No.1 from the title clause of the suit. It is contention of plaintiff that they have filed suit for declaration of tenancy in respect of suit shop. During the pendency of suit, plaintiff No.1 died on 03.05.2023 leaving behind plaintiff No.2 i.e. Tariqueullah Shariatullah Khan and plaintiff No.3 Tanvir Khan as her only legal heirs and only representatives. After the death of plaintiff No.1, right to sue continue with plaintiffs No.2 and 3 being legal heirs. This application filed within the period of 90 days.

2. On the other hand, defendant No.1 filed handwritten say and opposed that the plaintiff cannot claim relief as prayed because he has no right in suit premises. It is for the plaintiff to delete the name of plaintiff No.1 at his own risk. The application is devoid of any

merits and liable to be rejected. If application is allowed all the contentions of defendant No.1 be kept open.

3. Read application and say. Heard both the sides at length. It appears that plaintiff No.1 expired during the pendency of the suit and it is contention of other plaintiffs that plaintiffs No.2 and 3 are only the legal heirs therefore the amendment is formal in nature and if allowed, it will not change nature of suit or no any prejudice will be caused to the defendant. Hence, I pass following order.

:: ORDER ::

1. Application below Exhibit 20 filed by plaintiffs is allowed.
2. Plaintiffs are permitted to delete the name of plaintiff No.1 from the title clause of the plaint.
4. Plaintiffs to carry out amendment in title clause of the plaint as prayed for on or before next date.

Sd/-

Mumbai
Date : 20.01.2024

(R. M. Tuwar)
Judge, C.R. No.13