IN THE COURT OF SMALL CAUSES AT MUMBAI

ORDER BELOW EXHIBIT 31
IN
R.A.E. SUIT NO.808/1246 OF 2009

1) Smt. Kshama Haresh Mehta and ors. ...Plaintiffs

V/s.

Saraswati Naidu ...Defendant

Mr. N. H. Matani : Advocate for the plaintiffs
Smt. Vidya Bandekar : Advocate for the defendant

Coram : Rutuja S. Bhosale,
Judge,
Court Room No.15
Date : 06.07.2023

ORAL ORDER :

This application is filed by plaintiff No.2 to condone the delay and permit him to amend the plaint in terms of schedule.

2. According to this plaintiff, on 20.12.2022 advocate for the defendant filed pursis informing that defendant has expired on 03.11.2021 and furnished the names of the legal heirs and representatives of defendant. Therefore, by this application plaintiff prays to delete the name of defendant and add the name of the respondent.

3. Defendant has given reply overleaf of this application and has taken strong objection. As per the defendant, plaintiff came to know about the death of the defendant by pursis dtd 20.12.2022 filed by advocate for the defendant. This application is filed by plaintiff on 20.02.2023 without any explanation of delay.

4. Perused the application and say. Heard both the learned advocates at length.

5. Advocate for the defendant has filed pursis Exh.30 informing the death of the defendant along with death certificate of the defendant. The proposed amendment appears to be necessary for determining the real question in controversy between the parties. It is not likely to cause any prejudice to the defendants. Considering the above discussion and facts of the case, it will be appropriate to allow the application. Hence, the following order.

ORDER

1. The application is allowed.

2. The plaintiff shall carry out the amendment as per schedule as prayed within 14 days from the date of this order.

RUTUJA SHRIKANT BHOSALE

Digitally signed by RUTUJA SHRIKANT BHOSALE
Date: 2023.07.10 22:12:16 +0530

(Rutuja S. Bhosale)
Judge, C.R.No.15,
06.07.2023

Dictated on : 06.07.2023
Checked & signed on : 06.07.2023