

KAUK030008552023



Counsel for the plaintiff has filed a memo stating that defendant No.3 is mentally handicapped due to her old age sickness. Thus the plaintiffs intend to not press their suit against defendant No.3. Thus they pray to delete her name from the records of the case.

Per contra, counsel for defendants filed objections contending that there is a specific provision in C.P.C. to strike out or add parties. Moreover, the plaintiffs have to move an application seeking for appointment of guardian ad litem for defendant No.3 and not the memo as filed by the plaintiffs. Besides, it is denied that defendant No.2 is representing defendant No.3 as her son.

It is to be noted here that plaintiffs intends to not press their

claim against defendant No.3 itself. They are the master of their case. They are the Dominus Litus. They cannot be compelled to contest a case against a particular party. Moreover, it is a withdrawal simplicitor and not withdrawal with the liberty to file fresh suit. Under such circumstances this Court opines that memo filed by the plaintiffs have to be accepted.

For amendment and to furnish amended plaint call on 10.04.2024.

**Addl. JMFC, Karwar.**