

MHKO120001902013



## **ORDER BELOW EXH.41.**

By this application, plaintiffs has prayed for deletion of the plaintiff no.04 from the suit.

02. Plaintiffs contended that the plaintiff no.4 died on 13/11/2019. Other plaintiffs are the legal heirs of the plaintiff no.4. Hence, plaintiffs has prayed for deletion of the plaintiff no.4 from the suit.

03. Defendant filed their say and contended that, the plaintiff did not file the said application as per the law. Hence, same be rejected.

04. Read the application. Heard the advocate for the both sides. On perusal of record and proceeding it appears that, the suit is filed for partition. As per Order 1, Rule 10(2) of C.P.C. *The court may strike out or add parties at any stage of the proceedings, either upon or without the application of either part.* However, the present suit filed for declaration and injunction. The plaintiff has every right to delete the name of the other defendant with the permission of the court. Moreover, as per the other plaintiffs they are the legal heirs of plaintiff no.4. Therefore, I am of the view that the name of the plaintiff no.4, is liable to be deleted. Hence, I pass the following order.

### **ORDER**

1. Application Exh.41 is allowed.
2. The plaintiff is permitted to delete the names of plaintiff no.4.
3. The plaintiff is directed to file amended plaint on record within stipulated time.

Gargoti.  
Date. 06/03/2020.

(A. S. Koshti)  
Civil Judge, Junior Division, Gargoti.