

ORDER BELOW EXH. 33 IN R.C.S. No. 92/2018

(Passed On: 20/10/2021)

1] Perused the application and say. Heard both the sides at considerable length. The plaintiff through this application prayed to strikeout the name of defendant No.5 from the plaint. As per his contention the defendant No.5 is the formal party in the present suit and right now he is residing at U.S.A. Therefore it is difficult to serve summons to him. In such situation the suit will remain pending unnecessarily. Therefore, as he is not necessary party he prayed to strikeout the same.

2] I have given due consideration to said submissions. It appears that, the present suit is for declaration and perpetual injunction. The plaintiff is the master of the suit and as per his contention the defendant No.5 is the formal party. Therefore, considering said submission it is just to permit him to strikeout defendant No.5 from plaint as prayed. Hence, the order.

ORDER

1. Application Exh. 33 is allowed.
2. The name of defendant No.5 is strikeout from the plaint.
3. The plaintiff to carry out necessary amendment within 14 days.

Sd/-xxx

(R.A. Shinde)

Date :- 20.10.2021

Civil Judge Senior Division,
Shahada, Dist. Nandurbar.