

ORDER BELOW EXH.34

(Passed on this 10th day of June, 2019)

1] The plaintiff has filed this application under Order 1 Rule 10 (2) of CPC for striking out the parties. It is contended that, the plaintiff has filed this suit for partition of the land bearing survey no.65 and survey no.22. During the pendency of this suit, the plaintiff and all defendants sold the immovable property i.e. land survey no.65, and therefore, plaintiff do not want any relief regarding this property. The defendant no.4 to 11 are concerned in relation to agricultural land bearing survey no.65 but after selling said land, all defendants no.4 to 11 becomes unnecessary.

2] The say of defendants is called for. The counsel for defendant no. 1 to 3 received the copy of the present application on 16.04.2018. However, he failed to file the reply. The learned advocate for plaintiff argued that, the property bearing survey no.65 is mutually sold out by plaintiff and defendant. The defendant no.4 to 11 were in concerned in respect of property bearing survey no.65. The sale deed is also placed on record. Now it is clearly seen that, the property bearing survey no.65 is sold out. The plaintiff have knowing objection regarding the transaction of sale deed in respect of property bearing survey no.65. The plaintiff herself prayed for striking out the name of defendant no.4 to 11. She do not wish to claim any relief against these defendants.

Under such circumstances, I am of the opinion that, the defendant no.4 to 11 are unnecessary parties and therefore, their names are record to be strike out. Hence, following order.

ORDER

- 1] The application is allowed.
- 2] The name of defendant no.4 to 11 are strike out.
- 3] The plaintiff shall carry out the amendment and shall submit amended plaint within stipulated time.

Katol.
Date : 10-06-2019.

(M. V. Chavhan)
Civil Judge Junior Division,
Katol.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are word to word, as per original order.

Name of Stenographer : A.P. Dharmik

DISTRICT COURT
NAGPUR