

Order below Exh.42
(Dated 05.08.2023)

Defendant No. 8 has filed an application to delete his name from the plaint, as defendants as he has not acquired suit properties as mentioned in the plaint.

2. On the other hand, the plaintiffs have filed their say stating that Survey number of suit properties have been changed into different survey numbers and defendant No.8 has not given any details regarding which survey number had been acquired.

3. Heard both sides. I must mention here that defendant No.8 himself has claimed that he had not acquired suit properties, therefore in my opinion, defendant No.8 is neither necessary nor proper party to the suit, therefore name of defendant No.8 is required to be deleted from the plaint. While considering objection of plaintiff regarding changing of survey numbers, I must mention here that plaintiffs themselves have not mentioned changed survey numbers in the clause of description of suit property, therefore, the contention of plaintiffs is not sustainable. Thus, present application is deserved to be allowed. Hence, I proceed to pass following order.

ORDER

- 1) Application is allowed.
- 2) Name of defendant No.8 is hereby deleted from the plaint.
- 3) Plaintiffs are directed to make necessary amendment in the plaint.

Ramtek.
Date : 05.08.2023

[S.M. Sarode]
Civil Judge Senior Division,
Ramtek.