

MHNG140002262019



RCS NO.04/2019
NATTHU VS. ATUL

ORDER PASSED BELOW EXH.36
(PASSED ON 17/06/2025)

- 1) Perused the application and say filed by the defendant.

- 2) The plaintiff contended that, at the time of filing the present suit, the defendant No.1 was 16 years old and was minor hence, the plaintiff had added him as a party in this suit through his Natural Guardian father i.e. the defendant No.2. Now, the defendant No.1 is about 22 years old and become major hence, the plaintiff wants to delete the name of the defendant No.2 as a natural guardian of the defendant No.1 from the record. For that purposes, he wants to carry out the necessary amendment.

- 3) The defendants submitted that this application is not tenable. The plaintiff has not shown the diligence to file the present application. No sufficient cause to file this application at belated stage hence, prayed for the rejection of the Application.

- 4) Heard Learned Advocate for the plaintiff and Learned Advocate for the defendants.

5) It is not disputed that at the time of filing of this suit, the defendant No.1 was minor. The defendant has not disputed this fact that the defendant No.1 is major. The defendant opposed this application only on the ground that the application is filed at a belated stage. As considering the nature of the suit and to decide the real controversy between the parties, if application allowed no any prejudice will caused to the defendant.

6) It appears that, the defendant No.1 became major, he has right to defend the suit in his personal capacity therefore, the application is deserves to be allowed hence, I pass the following Order :-

ORDER

1. Application Exh.36 is hereby allowed.
2. Permission is granted to delete the name of the defendant No.2 as a natural guardian of the defendant No.1 and permission is granted to proceed the suit against the defendant No.1 in his personal capacity.
3. Plaintiff to carry out the necessary amendment within 14 days from the date of this order.

Parseoni
Dated :- 17/06/2025

(G.O. Wankhade)
Civil Judge Junior Division, Parseoni