

ORDER BELOW EXH.31 IN RCS No.56/2021
(CNR NO.MHNS160008812021)

01. Present application filed by the plaintiff under Order XXII Rule 4 of Code of Civil Procedure.
02. Read the application. No Say order is passed against defendants therefore this application proceeded without their say.
03. Heard learned advocate for Plaintiff.
04. From the rival contentions of the parties, following points arise for my determination, accordingly, I recorded my findings thereon for the reasons given below.

<u>S.NO.</u>	<u>POINTS</u>	<u>FINDINGS</u>
1	Whether application can be allowed ?	In the affirmative.
2	What order?	As per final order.

:: REASONS ::

AS TO POINT NOS. 1 & 2 :-

05. The plaintiff contended that, he has filed present suit for declaration, mandatory and perpetual injunction against defendants. Defendants have filed their written statement. The suit is on the stage of evidence. Plaintiff No.2 Dashrath Kisan Gangurde died on 06.01.2022 at village Tisgaon. Therefore, plaintiff has filed this application to delete his name and to add name of his heirs i.e. proposed Plaintiff No.

2-A Shri. Ramdas Dashrath Gangurde, No. 2-B Shri. Bhaginath Dashrath Gangurde, No.2-C Sau. Shobha Keda Pagar, No.2-D Sau. Manisha Anil Shewale and No.2-E Sau. Rohini Ganesh Khairnar in the the plaint of suit. Defendants have not filed their say and not objected to this application.

06. Present suit has been instituted for the relief of declaration, mandatory and perpetual injunction against defendants. After perusal of contention of proposed amendment, I am of the considered view that, there is no substantial change in the plaint as plaintiff is only adding and deleting names of parties. There would not be any hardship to defendants. Plaintiff is a master of his suit. He can delete or add any party to suit to substantiate or to prove his claim. Considering the fact, the proposed application is required to be allowed. Hence, in the light of above observation, I record my finding to issue No.1 in affirmative and for issue No.2, I pass the following order :

:: ORDER ::

1. The application is hereby allowed.
2. The plaintiff is permitted to amend the title clause of the plaint as prayed and comply accordingly on or before next date.

Date : 17.01.2024.
Place: Chandwad.

(Sunil B. Mane)
Jt. Civil Judge (J.D),
Chandwad.