

RCS No.96 /2023  
Navin and Ors. Vs. Nani and Ors.

**ORDER BELOW EXH.26**  
(CNR NO. MHPU09-002303-2023)

1. Defendant No.4 to 6 have filed an application under Order 23 Rule 1A read with Order 1 Rule 10 of Code of Civil Procedure.

2. According to them to suit is filed regarding partition, separate possession and injunction. At the time of institution of suit they were not available to sign the plaint. Therefore, they have made formal parties as defendants. But, plaintiffs have withdraw the suit against them and in such situation they have applied for transposition them as plaintiffs.

3. Perused the application and say filed. Heard learned advocate for both parties. Plaintiffs have permitted withdraw the suit against defendant No.4 to 6 vide (Exh.25). The nature of the suit regarding partition, separate possession and injunction. The interest of present defendants are not contrary to the plaintiffs. In such situation as the court is already permitted to withdraw suit against them. They can be transposed as plaintiffs. Hence, proceed to pass the following order:-

**ORDER**

1. Application is allowed without any cost.
2. Plaintiffs are directed to carry out necessary amendment and add defendant No.4 to 6 as a plaintiffs till next date without any cost.

Dated : 17/08/2023

( N.R. Gajbhiye )  
Jt. Civil Judge Junior Division,  
Pimpri, Pune.

## CERTIFICATE

I affirm that the contents of this P.D.F. file Order/ Judgment are the same, word to word, as per the original Order.

Name of the Stenographer	:- P. B. Jadhav
Name of the Court	:- Jt. C.J.J.D. and J.M.F.C. Pune.
Order / Judgment Date	:- 17/08/2023
Order / Judgment signed by the Presiding Officer on	:- 17/08/2023
Order uploaded on	:- 22/08/2023