

CNR :MHPU100001212020



IN THE COURT OF CIVIL JUDGE (JR. DN.) P.C.M.C. COURT AKURDI, PUNE.
R.C.S. No. 19/2020
Yuvraj Balu Landage & ors.
Vs.
P.C.M.C. & Ors

ORDER (BELOW EXH.90)

(Passed on dated 29/07/2026)

This is an application filed by plaintiff under Order 6 Rule 17 and order 1 Rule 10(2) of Code of Civil Procedure (hereinafter it will be referred as 'CPC') for deletion the name of plaintiff no. 10 and amendment in the plaint.

02. Called say of defendant. They have given their say behind the same application.

03. Counsel for plaintiff submitted that, plaintiff no.10 Smt. Sulochana Sayaji Landage have been expired on dated 19/02/2026. Plaintiff no. 2 to 5 are the legal heirs of Smt. Sulochana, which are already on record. Hence, they prayed for name of plaintiff no. 10 Smt. Sulochana Sayaji Landage be deleted in the array of plaintiff and allowed the application.

04. Per contra, defendant have filed their say and submitted that, the death certificate of plaintiff no. 10 is on record and he have no objection.

05. Heard Ld. Advocate Shri. Patil for plaintiff and Shri. Navale Ld. Advocate for defendants at length. Considering the submission, following points arise for my determination and my findings with reasons is as follows.

Sr. no.	Points	Findings
1)	Whether the name of plaintiff no. 10 is necessary to delete from the array of plaintiff ?	Yes
2)	Whether the proposed amendment is necessary for resolve the controversy between the parties?	Yes
3)	What Order?	As per final order

REASONS

06. **As to point no. 1 and 2: -**

Point no. 1 and 2 are interlinked to each other, therefore, they are taken together for discussion and decision.

07. Perused record along-with documents. Record shows that, suit is filed for declaration, permanent and mandatory injunction against defendants. The plaintiff No. 1 as a Power of Attorney Holder of plaintiff no. 2 to 9 have been filed this application for name of plaintiff no. 10 Sulochana Sayaji Landage be deleted in the array of plaintiffs. Moreover, they have filed an affidavit for support of their application. The order 1 rule 10 (2) of C. P. C. is as follows -

“(2) Court may strike out or add parties :-

The court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order

that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of nay person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.”

08. After reading the above said provision then it shows that, court may at any stage of the proceeding either upon for without the application may joined as a parties to the suit. Means, it is a discretionary power of the court. A necessary party is one without whom no order can be made effectively. The court is empowered to join a person who's presence is necessary.

09. As pe the contention of plaintiff, plaintiff no. 10 Sulochana Sayaji Landage is expired. Her death certificate is tagged with list of document Exh. 93/1. Moreover, Counsel for defendant also not denied this fact and her heirs i.e. three sons and daughter are already on record as plaintiff no. 2 to 5. Considering this facts if, application will be allowed then there will be no harm to the defendants or nature of suit will not be changed. For resolve the controversy between the party, proposed amendment is necessary. Hence, I answered point no 1 and 2 in affirmative.

As to point no. 3: -

10. Considering the discussions and reasons application is entitled to be allowed and in answer to point no 3, I proceed to pass the following order :-

ORDER

- 1) The application is hereby allowed.
- 2) Plaintiff is permitted to delete the name of plaintiff no. 10 Sulochana Sayaji Landage from array of plaintiffs.
- 3) Necessary amendment be carried out and amended copy be placed on record within 14 days.

Dated: 29/07/2026.

Sd/-xxx
(V. S. Damare)
Civil Judge Junior Division
P.C.M.C. Court, Akurdi, Pune.

CERTIFICATE

“I affirm that the contents of this P.D.F. file order are same word for word as per original order.

Name of Stenographer	:-	Gaurav A. Bobade (Grade III)
Court Name	:-	Shri. V. S. Damare, Civil Judge Junior Division, (P.C.M.C.), Court, Akurdi, Pune.
Date	:-	29/07/2026.
Order signed by presiding officer on	:-	29/07/2026.
Order uploaded on	:-	29/07/2026.