

Order below Exh. no. 54 in R.C.S. no. 13 of 2014

The present application is filed under Order I Rule 10 of the Code of Civil Procedure.

2. The plaintiff contended that the present suit is filed on 21.01.2014 for declaration and perpetual injunction. The defendant no. 3 namely Chandrabhaga Dagdu Sutar is dead. The defendants no. 2 and 4 are her legal heirs. They are already on record as defendant no. 2 and 4. The name of the defendants no. 3 is now improperly joined. Therefore the name of defendants no. 3 is required to be struck out as party to the suit.

Hence prayed to allow the application.

3. The defendant resisted the application vide their say (Exh. 55). The defendants contended that the plaintiff was aware of the fact. He has deliberately concealed the said fact and has not intimated it to the Court.

Hence prayed for rejection of the application.

4. Perused the application and say.

5. From the perusal of the record, it is apparent that the defendant no. 3 namely Chandrabhaga Dagdu Sutar is impleaded in the suit property. She appears to be dead. The name of the defendant no.3 is now improperly joined. Hence it is necessary in the interest of justice to struck out the name of the defendant no. 3 for effectual and complete adjudication and to settle all the questions involved in the suit.

Accordingly, the following order is passed :-

ORDER

1. The application (Exh. 54) is hereby allowed.
2. The name of the defendant no. 3 namely Chandrabhaga Dagdu Sutar is struck out.
3. The plaintiff shall carry out the amendment in the plaint accordingly.

Mahad
Date: 05.07.2017

(J.T. Koregaonkar)
Civil Judge (J.D.) Mahad