

MHRG110007542019



Order below Exh. 28 in R.C.S. No.109/2019

1. By this application plaintiffs are seeking for deleting name of plaintiff No.05 from the suit under Order -I Rule 10.
2. It is averred that the suit is for perpetual injunction. Plaintiff No.5 died on 05/11/2023. Plaintiff Nos.1 to 4 are legal heirs of deceased Plaintiff No.5. Therefore, prayed for deletion of name of deceased plaintiff No.5 from the suit.
3. Defendant filed say on back leaf of the application and submitted that suitable order may be pass.
4. Perused the relevant record. Heard both sides.
5. At the outset, it is required to be noted that as per order- I rule 10(2) of C.P.C, the court may at any stage of the proceeding struck out or add the parties.
6. It is settled position of law that, by filing an application one relief can be sought in one application. But in case in hand by filing present application plaintiffs seeking for deletion of deceased plaintiff No.5's name as well as amendment

in the plaint with that regard. Considering the facts and circumstances of the case. Submission of defendant. The deletion of deceased plaintiff No.5's name from the present suit and the proposed amendment in plaint with that regard is just and necessary. It is technical in nature.

7. Considered the facts and circumstances of the case. The application is supported by affidavit of the plaintiff. On perusal of death certificate it appears that plaintiff No.5 died on 23/11/2023.

8. Deletion of plaintiff No.5's name from the suit and amendment with that regard in the present suit is just and necessary. Amendment sought is technical in nature. It would not change the nature of the suit nor would it cause any prejudice or loss to defendants. Hence, I pass the following order. Hence, the order.-

**-: O R D E R :-**

1. Application is allowed.
2. Plaintiffs to carry out the necessary amendment within 14 day from the date of this order.

Mangaon  
Date: 30/01/2024.

Sd/-  
(M.S. Pathare)  
3<sup>rd</sup> Jt Civil Judge, J. D., Mangaon