

MHRG140015832016



ORDER BELOW EXHIBIT - 53

1. This is an application filed by the Plaintiffs (Exh. 53) under the provisions of Order VI Rule 17 read with Order XXXII Rule 12 of the Code of Civil Procedure, 1908, seeking permission to amend the cause title of the plaint to reflect the majority of Plaintiff No. 3, Siddhi Rajesh Tandel, and to discharge her next friend/guardian, Rajesh Tandel.

2. The facts giving rise to this application are as follows:

The present suit was instituted in the year 2017. At the time of institution of the suit, Plaintiff No. 3, Siddhi Rajesh Tandel, was a minor aged about 13 years. Consequently, she was represented in the suit through her father and next friend, Rajesh Tandel, who signed the pleadings on her behalf.

3. It is contended by the Applicants that during the pendency of the suit, Plaintiff No. 3 has attained the age of majority. As of today, she is 22 years of age. Therefore, she is now competent to prosecute the suit in her own capacity without the assistance of a next friend. Accordingly, the Applicants seek to amend the cause title of the plaint by correcting her age to 22 years and deleting the description of her father as her next friend. It is submitted that the

proposed amendment is of a formal nature, does not alter the character of the suit, and is essential for the proper adjudication of the matter.

4. The Defendant was given ample opportunity to file his reply ("say") to the application. However, the Defendant failed to submit any reply. Consequently, this Court passed an order directing that the application proceed without the say of the Defendant.

5. I have perused the record. The Defendant has not contested this application as no reply has been filed.

6. The suit was instituted in the year 2017. At that time, Plaintiff No. 3 was 13 years of age, and thus, being a minor, she was represented by her father, Rajesh Tandel, as her next friend, in compliance with Order XXXII Rule 1 of the Code of Civil Procedure, 1908. By passage of time, Plaintiff No. 3 has now attained the age of majority, having completed 22 years of age as on the date of this application (16.12.2025).

7. Under Order XXXII Rule 12 of the Code of Civil Procedure, 1908, a minor plaintiff, upon attaining majority, is required to elect whether he or she will proceed with the suit. If the plaintiff elects to proceed, she must apply for an order discharging the next friend and for leave to proceed in her own name. The present application at Exhibit 53 is a formal expression of such an election by Plaintiff No. 3.

8. The proposed amendment is purely formal and consequential to the natural event of Plaintiff No. 3 attaining majority. The amendment is restricted to the cause title of the plaint, specifically to correct the age of Plaintiff No. 3 to "22 years" and to delete the words indicating that she is represented by her next friend, Rajesh Tandel.

9. Since this amendment does not change the nature of the suit, the cause of action, or the reliefs claimed, and does not cause any prejudice to the rights of the Defendant, it is highly necessary to allow the application to ensure that the record of the court is correct and that the suit is prosecuted by the real party in interest. Under Order VI Rule 17 of the CPC, courts are empowered to allow such amendments at any stage of the proceedings as are necessary for determining the real questions in controversy. In view of the uncontroverted facts and the statutory mandate of Order XXXII Rule 12 of the CPC, the application deserves to be allowed. Hence, I proceed to pass the following order:

ORDER

1. This Application at Exhibit 53 is hereby allowed.
2. The next friend of Plaintiff No. 3, namely Rajesh Tandel, is discharged from representing Plaintiff No. 3.

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3. Plaintiff No. 3, Siddhi Rajesh Tandel, is permitted to prosecute the suit in her own name and independent capacity as a major.
4. The Plaintiffs are directed to carry out the consequential amendments in the cause title of the Plaint within 14 days from today.
5. The Plaintiffs shall serve a copy of the amended plaint on the Defendant.
6. No order as to costs.

Uran

Date – 15.07.2026

S. P. Wankhade
(Civil Judge J. D. Uran)