

IN THE COURT OF JOINT CIVIL JUDGE (J.D.) MALVAN
(Presided over by S.D.Chavan)

Jyoti Madaye & anr. - Plaintiffs.
Vs.
Ratnaprabha Mayekar & anr. - Defendants.

Order below Exh.108 in Regular Civil Suit No.01/2007
(Passed on 28th March, 2014)

This is an application filed on behalf of defendant nos.13 and 14 for framing tenancy issue. According to defendants, plaintiff has filed this suit to delete the names of defendant nos.13 and 14 which are recorded as a tenants in the suit property.

2. Heard both sides. Perused the record and proceeding. The suit is for partition and separate possession as well as for declaration and injunction. In the plaint in paragraph no.5 at page no.7 it is mentioned that defendant nos.8 to 11 have no relation with suit property no.3 and hence their names be cancelled. Defendant nos.1 and 14 have not filed their written statement. In the cross-examination, plaintiff has deposed that she has filed this suit to delete the names of defendant nos.13 and 14 from the suit property. But, after considering the prayer clause, no relief asked against defendant nos.13 and 14 to delete their names. So no question of granting such relief will arise. The suit is for partition, declaration and injunction. There is no serious dispute about the so call tenancy right of defendant nos. 13 and 14. no sufficient pleading is there. So issue of tenancy is not necessary. Hence application is rejected. Matter be proceed further.

Malvan.
Date:- 28/03/2014

(S.D. Chavan)
Jt. Civil Judge (J.D.), Malvan.

