



CNR NO. MHSI0700000842024
Order passed below Exh. No.26
in R.C.S. No.29/2024

The present application has been made by the plaintiff under Order XIV Rule 5 of the Code of Civil Procedure seeking deletion of Issue No. 6 framed at Exh. 25. It is the contention of the plaintiff that the defendant has not raised the plea of non-joinder of necessary parties in his written statement, and inadvertently such an issue came to be framed. Hence prayed to allow the application.

2. The defendant has resisted the application by filing reply at Exh. 27, contending that the application is false and frivolous and that the reasons advanced therein are false. Hence prayed to allow the application.

3. Having heard both sides and on perusal of the pleadings, it appears that the defendant has not raised the plea of non-joinder of necessary parties in the written statement. Hence, Issue No. 6 framed at Exh. 25 does not arise from the pleadings and is not relevant to the facts of the present case. In view of the above, the application deserves to be allowed. Hence following order,

ORDER

1. The application at Exh. 26 is allowed.

2. Issue No. 6 framed at Exh. 25 stands deleted.
3. Parties to note.
4. No order as to costs.

(Pronounced and dictated in open Court.)

Place - Malvan
Date - 29/09/2025

M.K.Fakih
Civil Judge Jr.Dn., Malvan.