



CNR No. MHSI070005042019
Order passed below Exh. No. 28
in R.C.S. No. 73/2019

The present application has been filed by the plaintiff seeking deletion of the names of defendant Nos. 1, 4 and 5 from the array of defendants. It is the contention of the plaintiff that defendant Nos. 1, 4 and 5 have executed a Release Deed in respect of their share in the suit property in favour of defendant Nos. 2 and 3. Therefore, as on date, defendant Nos. 1, 4 and 5 have no right, title or interest in the suit property. It is further contended that the said Release Deed was executed on 02.06.2023 by way of a registered document bearing Registration No. 771 of 2023, and pursuant thereto Mutation Entry No. 1992 has been recorded in the Record of Rights. Hence, the plaintiff has prayed that the names of defendant Nos. 1, 4 and 5 be deleted from the array of defendants.

2. Heard the learned Advocate for the plaintiff. The plaintiff has filed the present application on affidavit stating that defendant Nos. 1, 4 and 5 have relinquished their share in favour of defendant Nos. 2 and 3 and therefore they no longer have any right, title or interest in the suit property. It is further stated that they are not necessary parties to the suit and the plaintiff does not wish to continue the suit against them. It is settled that the plaintiff is the dominus litis and it is for the plaintiff to decide against whom he wishes to prosecute the suit. In

view of the submissions made, the application deserves to be allowed. Hence, the following order:

<u>ORDER</u>	
1.	Application Exh.28 is allowed as prayed for.
2.	The names of defendant Nos. 1, 4 and 5 are deleted from the array of defendants.
3.	The plaintiff is permitted to file an amended copy of the plaint incorporating the necessary changes on or before the next date.
4.	Necessary correction be carried out in the record.
(Pronounced and dictated in open Court.)	

Place : Malvan
Date : 04/03/2026

Sd/-
M.K.Fakih
Civil Judge (J.D.) Malvan.