

Order below Exh.13 in PWDVA 78/2024
(Poonam Dhawan / Abhijit Dhawan & ors)

The present application has been filed by opponent No.2 i.e. Arwind Vasantryao Dhawan for deleting him as a party to present application.

2. According to opponent No.2, the pleadings in respect of him are false, vague and obscure. He is the father of opponent No.1 and husband of opponent No.3, currently living at Kolhapur. Applicant has made the false contentions in her application. No specific direct prima facie strong evidence with respect to allegations against him. He is bed ridden since long as he is suffering from Multiple Myeloma (kind of cancer). No specific and direct reliefs have been claimed against him and if proceedings against opponent No.2 continues, then it will cause huge, irreparable loss and possible miscarriage of justice. Accordingly opponent No.2 prayed for deleting himself from the pleadings.

3. Applicant didn't file her say despite giving sufficient opportunity.

4. Perused record. Heard learned counsel for opponent No.2.

5. To support his averments, opponent No.2 has annexed the medical papers showing the diagnosis of disease 'Multiple Myeloma' with Exh.18. From the nomenclature clause of application at Exh.1, he is also looking to be a senior citizen. However this fact does not absolve himself from the allegations made by opponent. Upon apparent perusal of contents

of application at Exh.1 there occurs specific allegations against opponent No.2. So also from the said contents, the shared household between applicant and opponent No.2 can be presumed. Therefore it cannot be confidently said at this stage that the presence of opponent No.2 is not required for further proceedings. So also the matter is not yet reached at the stage of evidence, hence this cannot be said to be a proper stage to delete the name of opponent No.2 as a party from this proceedings. Accordingly I pass following order-

ORDER

Application is rejected.

Sangli
Date:-20.05.2025

(Onkar S. Shastri)
Judicial Magistrate First Class, Sangli
(Court No.9)