

Order below Exh. \_\_\_ in RCS 92/2020  
Vijaykuamr Desai & Ors. Vs Krishna Koli  
(CNR-MHSN08-001179-2020)

The application is under Order 1 Rule 10 (CPC).

2 Perused the application, and say, and the record.

3 Heard.

4 The suit is for a decree of perpetual injunction.

5 The application is premised on the ground that defendants 1 and 2 have sold out the suit property to a third party. The defendants have offered no objection to the application. Defendant No. 3 Sachin, is on the record.

6 As per the plaintiff, defendants 1 and 2 seized to have the right, title, and interest in the suit property and also the possession thereof, and hence, they be deleted.

7 It is settled law that a plaintiff, is a master of the suit i.e. dominus litis. The plaintiffs does not intend to proceed against defendants 1 and 2.

8 Whether the presence of defendants 1 and 2 either as the necessary or formal party or the consequence may be considered at the later stage. Hence the following,

Order

The application is allowed.

2 The plaintiffs to carry out the necessary amendment and file on the record duly amended copy of the of the plaint, within the 14 days.

3 In the peculiar facts, no order as to costs.

Jath

Date:- 27-02-2025

(Sanjay P. Bunde)

Jt. C.J.J.D, Jath