

Order below Exh. 19 RCS 132/2020
Akkatai Teli Vs. Mallappa & Ors.

The application is for deletion of defendants 8 to 12.

2 Perused the application, and the record.

3 Heard. None present for the defendants, whenever called out.

4 The suit is for the partition and other consequential reliefs.

5 The suit is proceeded against the main contestest i.e., defendant 1 vide order below Exh.1 dated 22/02/2021 by the learned predecessor. Defendants 2 to 12 are the sharers in the Gat No. 725,732, and 734, who have no concern/ interest in the suit property or the partition claim. In short, neither defendants 2 to 12 are co-parcener nor in any way concern, with the suit property but made as formal party for their name appearing on the revenue record of the suit property i.e., the same Gat No. No relief is claimed against defendants 2 to 12. Neither, they are necessary, nor formal parties to the suit. The power to add or delete parties is governed by Order 1 Rule 10 (2) of the Code of Civil Procedure, 1908 (CPC). When the presence of the defendants 8 to 12 is not necessary for passing an effective decree, their presence is unnecessary. Hence, the following

Order

The application is allowed.

2 Defendants 8 to 12 are allowed to be deleted.

3 The plaintiff to carry out the necessary amendment in the plaint forthwith, and file on record duly amended copy of the plaint.

Jath
Date:06/01/2025

(Sanjay P.Bunde)
Jt.CJJD, Jath