

**Order Below Exh.66.**  
**(Passed on 17.10.2019)**

Plaintiffs filed application to strike out the name of plaintiff nos.5D and 5E who are the legal heirs of plaintiff no.5. It is contention of plaintiffs that the plaintiff nos.5D and 5E are married and they are residing at their matrimonial house. They have no concerned with the present dispute. Hence, they prayed for their name may kindly be struck out from the said proceeding. The Ld. Counsel for the defendants have taken objection overleaf of this application and prayed that these defendants have right in the property by succession and therefore, they are necessary parties. Hence, application is liable to be rejected.

2. It is a pertinent to note here that present suit filed for permanent injunction. As per the Order 1 Rule 10(2) of C.P.C., the court may at any stage of proceeding, either upon or without the application of either party and on such a term as may appeared to the court, to be just, order to the struck out the name of plaintiff or defendant.

3. On the perusal of application filed with affidavit and as per the above provision of C.P.C., the plaintiff can struck out the name of above plaintiff. On the perusal of application, the name of above plaintiffs is not necessary. The suit is for permanent injunction and the present plaintiffs i.e., plaintiff

Nos.5D and 5E are not residing in the suit property. They are residing in their matrimonial houses. Hence, I pass the following order.

**ORDER**

1. The application is hereby allowed.
2. The name of plaintiff nos.5D and 5E be struck out as plaintiff Nos.5D and 5E from the said proceeding and filed amended plaint on record within the stipulated time.

Date- 17.10.2019.  
Shirala.

(B.M. Kale)  
Civil Judge (J.D.), Shirala.

**CERTIFICATE**

I affirm that the contents of this P.D.F. file are same word to word as per original order.

Name of Steno	:	S.N. Pethkar (Steno. Grade-3)
Court Name	:	C.J.J.D. & J.M.F.C., Shirala.
Date	:	17.10.2019.
Signed by Presiding Officer on	:	17.10.2019.
Uploaded on	:	18.10.2019.

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