

**ORDER PASSED BELOW EXHIBIT-45 IN R.C.S. No.23/2012****Sau. Lalita Agrawal Vs. Gopal Agrawal & Others**

(CNR No.MHWS020009102010)

The plaintiff has filed this application under Order 1 Rule 10 r/w. Section 151 of CPC to delete the names of the defendant Nos. 2 to 5 from the plaint. It is submitted that the plaintiff has filed suit for possession, damages and permanent injunction against the defendant Nos.1 to 5. The defendant No.1 illegally inducted the defendant Nos.2 to 5 without any right or authority. During the pendency of the suit the defendant Nos.2 to 5 left the rooms which were occupied by them through the defendant No.1. Defendant Nos.2 to 5 also have not filed written statement and they have proceeded ex parte. Therefore, prays to delete the names of defendant Nos.2 to 5 from the plaint.

2. Say of defendant No.1 has filed say at Exh.47. It is submitted that defendant having no choice to opposed as it is sweet choice of the plaintiff to delete any party against whom the plaintiff does not want to contest and has no cause of action remained. More particularly the defendant those who are contesting the suit. Therefore, there is no any objection to delete the names of defendant Nos.2 to 5 from the plaint.

3. Heard both the sides. It is the contention of plaintiff that during the pendency of proceeded defendant Nos.2 to 5 have vacated the premises which were in their possession. Therefore, it is necessary to remove their names from the plaint. On the other hand defendant No.1 has filed his say. It is submitted by him that it is the choice of plaintiff to delete any party against whom he do not want to contest.

Therefore, he is not having any objection to delete the name of defendant Nos.2 to 5. Considering the facts as the plaintiff do not want to proceed against defendant Nos.2 to 5. There is no propriety by keeping their name on record. Hence, I pass following order-

**ORDER**

- 1] Application is allowed.
- 2] Permission is granted to the plaintiff to delete the name of defendant Nos.2 to 5.
- 3] Plaintiff to carry out the amendment and to file amended copy of plaint on record. So also, he has to supply the copy to the defendant.

Washim.  
Date:- 03/10/2025.

**( S. S. Sahasrabudhe )**  
Civil Judge (Sr. Div.), Washim.

**CERTIFICATE**

I affirm that the contents of this PDF file judgment/order are same word to word, as per original judgment/order.

- 1) Name of Stenographer :- S. V. Dere (Stenographer G-III)
- 2) Name of Court :- Civil Judge (S.D.), Washim.
- 3) Date :- 03/10/2025
- 4) Order signed by the  
presiding officer on :- 03/10/2025
- 5) Order uploaded on :- 03/10/2025