

ORDER BELOW EXH.56

This application is filed by plaintiff No.1 Shobha Khodke for withdrawal of suit under Order XXIII Rule 1 of Code of Civil Procedure, 1908. She contended that she does not want any share in the suit property and she want to maintain cordial relations with her brothers. Hence, she wants to withdraw the suit on her part.

2. Plaintiff resisted the said application and filed his reply. He contended that allegation levelled are false. Plaintiff No.1 has filed affidavit in support of her contention of the plaint. Matter is for cross-examination hence, prayed the application be rejected.

3. Defendant No.1 filed his say and contended that suitable order be passed.

4. Defendant No.2 submitted that suit is for partition and therefore can not be withdraw and prayed that application be rejected.

5. Heard all the learned advocates. Perused the record.

6. This is a suit for partition. It is settled law that, in a suit for partition all parties who have shares in the property are necessary parties. Application of plaintiff No.2 for transposing plaintiff No.1 as defendant is allowed and accordingly plaintiff No.1 is transposed as defendant No.7. Therefore, question of withdrawal of suit by plaintiff No.1 does not arise. In view of my above discussion, the application of plaintiff No.1 being not maintainable needs to be rejected. Accordingly, I pass following order.

ORDER

Application is rejected.

Date : 05/07/2022

(Smt. N. P. Pawar)
Jt. Civil Judge (Sr. Division), Washim.

Certificate

I affirm that the contents of this P.D.F file Judgment/Order are same word to word, as per the original Judgment/Order.

Court Name : Jt. Civil Judge (S.D.), Washim,
Dist.Washim.

Date : 05.07.2022.

Order signed by the presiding officer on : 05.07.2022.

Order uploaded on : 07.07.2022.

Order uploaded by : Mahesh S Takwale
(Stenographer Grade-III.)