

MHWS100009692016



**ORDER BELOW EXH.48 IN R.C.S. NO.41/2016**

*(Vishal Parashram Shinde Vs. Bhagwan Kundlik Shinde)*

**(Dated : 23<sup>th</sup> March, 2023)**

1. This is an application filed by the minor plaintiff for permission to proceed with the suit. He stated that now he has attained the majority.
2. Defendant has filed objection to this application wherein he submitted that the application is not tenable in the eyes of law. Hence, prayed to reject the application.
3. Notice is issued to the next friend. She appeared and filed pursis at Exh.51 wherein she submitted that she has no objection to proceed the plaintiff with the suit.
4. On perusal of the original document filed below Exh.50, it appears that the date of birth of applicant Vilas Parashram Shinde is 05.10.2000. He became major in the year 2018. The plaintiff has filed one pursis at Exh.43 in the year 2021 wherein this Court has allowed the plaintiff to carry out the amendment is necessary to title clause. Thereafter, this application has been filed by the plaintiff. On perusal of the nature of the suit it appears that the mother of applicant Lilabai Parashram Shinde is the natural guardian, she has filed this suit for recovery of suit and *mesne-profits*. The suit has been filed on the basis of the sale deed which is in the name of plaintiff. Now, the plaintiff attained the majority and he wants to proceed with the suit and natural guardian

has no objection to proceed with the suit. Hence, in such circumstances, the applicant i.e. plaintiff is allowed to proceed with the suit. Hence, following order is passed :-

**ORDER**

1. Application is allowed.
2. Plaintiff is directed to carry out the necessary amendment in title clause as per Order 32 Rule 12(3).
3. Plaintiff shall provide the amended copy to defendant and shall carry out the necessary amendment.  
(Dictated and pronounced in open Court).

Place : Malegaon  
Date: 23.03.2023.

Jt. Civil Judge (J.D.) Malegaon  
Dist. Washim.

**CERTIFICATE**

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

Name of Stenographer : **Shivam B. Patange (L.G.)**

Name of Court : P.U.Kulkarni  
Jt. C.J.J.D. and J.M.F.C., Malegaon.

Date of the Order : 23.03.2023

Order Signed by : 27.03.2023

Presiding Officer on

Order Uploaded on : 27.03.2023