

[CNR NO.MHSCA-20037012014]
IN THE COURT OF SMALL CAUSES AT MUMBAI
ORDER BELOW EXHIBIT - 25
IN
R.A.D. SUIT NO.1999 OF 2014

Mrs. Savita Chaganlal Vaja & Anr. : Plaintiffs

V/s.

Mrs. Kastur Mohanlal Vaja & Ors. : Defendants

Surendra G. Mittal : Ld. Advocate for Plaintiffs

N.A. Ghatte : Ld. Advocate for Defendant No.4

Coram : R. T. Ghogle, Judge,
Court Room No.10
Date : 07.01.2022

ORDER:-

1. This is an application filed by plaintiffs for carrying out amendment in the plaint by deleting the name of Defendant No.1 from the cause title of the plaint as well as to delete the words “plaintiff No.2 is minor through her mother and natural guardian being represented by plaintiff No.1”.

2. Perused record. Heard Learned Advocate for defendant No.4. The present suit has been filed by plaintiffs against defendants for declaration of tenant in respect of the suit premises of defendant No.19. On perusal of the record it emerges that the defendant No.1 expired on 18.02.2019. The death certificate of defendant No.1 is filed on record. So also the plaintiff No.2 has become major.

Therefore, it is necessary to mention the word “Adult” by deleting the word “Nil” and adding word “Housewife”. Here it would be imperative to note that the amendment which is sought by plaintiffs is of formal nature. There would be no prejudice cause to defendants, if application for amendment in plaint is allowed. So also valuable rights of the parties are being involved in the suit. In these circumstances, in the interest of justice, it would be proper to delete the name of defendant No.1 from the title cause and body of the plaint and proceedings as well as to delete the words “plaintiff No.2 is minor through her mother and natural guardian being represented by plaintiff No.1”. In the result, I proceed to pass the following order :-

ORDER

1. Application (**Exh.25**) is allowed.
2. Plaintiffs are permitted to delete the name of defendant No.1 “since deceased” from the cause title of the plaint and proceedings by carrying out necessary amendment as per schedule till next date.

Mumbai
Date : 07.01.2022

(R. T. Ghogle)
Judge
Court Room No.10

Order dictated on : 07.01.2022
Order checked and signed on : 07.01.2022