

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL REVISION APPLICATION NO.689 OF 2013

Renuka Ramnath

.. Applicant

Versus

M/s Suresh Bapusaheb Chougule, a

Partnership Firm through its Partner & Ors. .. Respondents

WITH

CIVIL REVISION APPLICATION NO.690 OF 2013

Rajeev Bakshi

.. Applicant

Versus

M/s Suresh Bapusaheb Chougule, a

Partnership Firm through its Partner & Ors. .. Respondents

...

Mr.Mayur Bhojwani i/b M/s.Manilal Kher Ambalal and Co.for
the Applicants.

...

CORAM: BHARATI DANGRE, J.

DATED : 05th OCTOBER, 2021

P.C:-

1. The Civil Revision Applications are filed by the original Defendant Nos.3 and 4 whereby they are assailing the order dated 19/06/2013 and the relief sought is that the suit shall be dismissed against them i.e. the present Applicants.

2. It is informed by the learned counsel for the Applicants that during the pendency of the present Civil Revision Applications, the original Plaintiff had moved an application before the trial court at Kolhapur, seeking a relief that the names of defendant Nos.3 and 4 may be deleted. However, the said application is not being taken up for hearing, since there is an interim relief granted by this Court on 24/01/2014 and the suit was directed to proceed against the Defendants other than the present Applicants.

3. If an application is moved by the Plaintiff, who is a *dominus litis*, seeking deletion of names of Defendant Nos.3 and 4, no order can come in the way of the Plaintiff to seek such a deletion unless the party who is sought to be deleted is a necessary party. If the Plaintiff is of the view that defendant Nos.3 and 4 are not the necessary party, the trial court is at liberty to proceed with the hearing of the said application.

4. In the wake of the said application being filed, the present Civil Revision Applications need not to be adjudicated and stand dismissed as infructuous. Needless to state that the Applicants are at liberty to approach this Court in case any adverse order is passed against them.

(SMT. BHARATI DANGRE, J.)