



A.No.2086 of 2023 in
C.S.No.361 of 2013

R.N.MANJULA,J.

The suit has been filed for declaration and permanent injunction. The defendants 1 and 3 have filed the application in A.No.2086 of 2023 to strike out the defendants 1 and 3 in the above suit by stating that the second defendant alone is the owner of the property and the defendants 1 and 3 are in no way connected to the case; hence, their names should be struck off in the plaint itself.

2. The first respondent / plaintiff has filed the suit by stating that she has got cause of action against all the three defendants and they are necessary parties to the suit. If the defendants 1 and 3 do not have any objection and in their opinion, the second defendant alone is the necessary party, it is upto the defendants 1 and 3 to remain *exparte*. After having filed the written statement and the issues have also been framed, the defendants 1 and 3 have filed this application to struck off their names in the plaint, which is unnecessary.



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3. The plaintiff who is the *dominus litis*, has to choose her defendants. So it is upto the defendants 1 and 3 either to file their written statement or remain *exparte*, if the relief sought by the plaintiff has got no connection as against them. Therefore, this application is frivolous and hence dismissed.

01.06.2023

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