

V/s.

DATE : 13TH OCTOBER 2025.

1. Heard the learned counsel for the parties.

2. The challenge in this petition is to an order dated 1st July 2025 passed by the learned Civil Judge, Pune whereby an application preferred by the petitioner to delete him from the array of the parties as defendant No. 12 in his personal capacity, came to be rejected.

3. By an order dated 17th April 2019 passed below application (Exhibit-74), the respondent no. 1/plaintiff was permitted to amend the plaint so as to implead the petitioner in his personal capacity as defendant No. 12. The said order was quashed and set aside by this Court in Writ Petition No. 2205 of 2020. However, since an earlier

order passed on an application (Exhibit-37) was not challenged, the learned Civil Judge declined to accede to the prayer of the petitioner to delete him from the array of the parties as defendant No. 12, in his personal capacity.

4. Being aggrieved, the petitioner has invoked the Writ jurisdiction. An affidavit-in-reply is filed on behalf of the respondent nos. 1 to 3. In the affidavit-in-reply in Para No. 7, it is affirmed that the respondent nos. 1 to 3, the original plaintiffs, do not wish to pursue the Special Civil Suit No.689 of 2016 qua the petitioner/defendant No. 12 in his personal capacity. Therefore, the plaintiffs do not wish to contest the instant petition and the Court may allow the petition and set aside the order dated 1st July 2025 to the extent of the impleadment of the petitioner as defendant no. 12, in his personal capacity.

5. In view of the aforesaid statement in the affidavit-in-reply and submissions on behalf of the respondent nos. 1 to 3, and the fact that the order impleading the petitioner as defendant No. 12 in his personal capacity was set aside by this Court in Writ Petition No. 2205 of 2020, the petition deserves to be allowed.

6. Hence, the following order:

ORDER

- i) The petition stands allowed in terms of prayer clause
(a) qua the petitioner.
- ii) Necessary amendment to delete the petitioner as defendant No. 12 in his personal capacity be carried

out by the plaintiff within a period of one week from the date of uploading this order.

(N.J. JAMADAR, J)