

behalf of others as guardians, executors, or administrators, or on behalf of themselves and others (as creditors in a suit for administration), shall state the character in which they sue.

120. Where a person has jointly with other persons a ground for instituting a suit, all those other persons shall, unless the Court otherwise allows, be made parties to the suit, either as plaintiffs or defendants.

But where a person has a joint and several demand against more persons than one, either as principals or as sureties, it is not necessary for him to bring before the Court as parties to a suit concerning that demand all the persons liable thereto, and he may proceed against any one or more of the persons severally liable.

If a person not joined as plaintiff or as defendant ought to be so joined, or a person joined as plaintiff or as defendant ought not to be so joined, the Court may order the petition to be amended. But no person shall be so joined as plaintiff without proof to the Court of his consent thereto. Nor shall the name of a plaintiff be so struck out unless he was originally joined as plaintiff without his consent, or he consents to his name being struck out.

121. Where a person sues another as agent for a third person, not seeking to fix the agent with personal liability, the Court, on the fact coming to its knowledge, shall, if the third person is within the particular jurisdiction, forthwith order his name to be substituted, and stay proceedings until the order is complied with.

But if he is not within the particular jurisdiction, the Court shall refuse to proceed further in the matter, unless and until the person sued as agent undertakes, by writing filed in the Court, to defend the suit, and personally to satisfy any order for debt or damages and costs therein. In that case the person sued as agent shall further, within such time as the Court orders, and before the hearing of the suit, procure and file with the proceedings a sufficient authority in writing to him from his principal to substitute the name of the principal as defendant for that of the agent, and to defend the suit, or otherwise act in it on behalf of the principal.

The agent shall not, however, be deemed to be thereby discharged from his personal undertaking and liability to satisfy any order in the suit.

122. Proceedings by or on behalf of or against a partnership solely or jointly shall be taken in the several names of the partners as individuals, and not in the name of the firm or otherwise.

123. Where the plaintiff's claim is for money payable in respect of a contract expressed or implied, or to recover the possession or the value of goods wrongfully taken and detained, or wrongfully detained, by the defendant from the plaintiff, it shall be sufficient for the plaintiff to state his claim in the petition in a general form, and to annex to the petition a schedule stating the particulars of his demand, in any form which shall give the defendant reasonably sufficient information of the details of the claim.

An application for further or better particulars may be made by the defendant before answer.

The plaintiff shall not, at the hearing, obtain an order for any sum exceeding that stated in the particulars, except for subsequent interest and cost of suit, notwithstanding that the sum claimed in the petition for debt or damages exceeds the sum stated in the particulars.

Particulars of demand shall not be amended

except by leave of the Court; and the Court may, if it thinks fit on an application for leave to amend, grant the same, on it appearing that the defendant will not be prejudiced by amendment.

Where the Court orders particulars to be amended, or further or better particulars to be given, the order shall state the time within which the thing ordered is to be done.

The order for service of the amended or further or better particulars shall state the time which the defendant is to have to put in his answer.

Any variance between the items contained in the particulars and the items proved at the hearing may be amended at the hearing, if the Court thinks fit.

124. Where the plaintiff seeks (with or without an order for payment of money)—

(i.) To obtain a general or special declaration of his rights under a contract or instrument; or

(ii.) To set aside a contract; or

(iii.) To have a bond, bill, note, or instrument in writing delivered up to be cancelled; or

(iv.) To restrain a defendant by injunction; or

(v.) To have an account taken between himself and any other or others; he may in his petition refer to and briefly describe any documents on the contents whereof he intends to rely, and may annex copies thereof to the petition.

125. A plaintiff, not giving sufficient information to enable the defendant to understand the plaintiff's claim, may be ordered, on the application of the defendant, to amend his petition.

126. A petition may be amended at any time before answer by leave of the Court, on an application of the plaintiff without notice.

Notice of amendment shall be given to the defendant.

127. If a petition contains libellous or needlessly offensive expressions, the Court may, if it thinks fit, either of its own motion, or on application of the defendant, order it to be amended.

128. Where a petition is defective on the face of it by reason of non-compliance with the provisions of this Order, the Court may, if it thinks fit, either of its own motion, or on application by a defendant, make an order to stay proceedings until the petition is amended.

129. A plaintiff may be ordered to produce for inspection and other purposes of the suit such documents in his possession or power as are referred to in the petition, or such other documents, if any, as the defendant is entitled to inspect in the suit.

130. A petition implies an offer to do equity in the suit, and admits of any equitable defence.

The plaintiff may obtain at the hearing any such equitable relief as the facts stated and proved entitle him to, though not specifically asked.

Where a defendant in his answer raises a defence of an equitable nature, and it appears to the Court that, on this defence being established, the defendant may be entitled to some equitable relief against the plaintiff in respect of the subject-matter of the suit, the Court may, if it thinks fit, on the application of the defendant, either before or at the hearing, give liberty to him to file a cross-petition asking for that relief, and may make such order for the hearing of the