

In the Court of Manvendra Singh, Munsif , Narkatiaganj

Title Suit No. 156/2011

CIS No.- TS 659/2018

**Kanahiya Pandey & others.....Plaintiffs
V/S**

Dr. Rukashna Khatoon & others.....Defendant

<u>DATE</u>	<u>ORDER</u>	<u>REMARKS</u>
24.04.2026	<p>Both parties filed their attendances. A petition under Order 01 Rule 10(2) of C.P.C. dated 21.11.2025 has been filed on behalf of defendant no.02 which is presented for hearing today on 24.04.2026.</p> <p>Learned counsel of defendant no.02 prayed that this is a suit do declare the right title and also to set aside two sale deed as prayed in relief no. 13(k) of the plaint. In the said suit the defendant second party being the holder of power of attorney on behalf of the defendant no.01 contesting the suit disputed all the facts given in the plaint. The above noted suit has been coming for evidence of the defendant. Without the leave of the court defendant first party has transferred the entire suit land referred to in schedule-2 of the plaint to one Forhan Hoda S/O Late Dr. Noorul Hoda R/O Niwas Sthan no. 58 Hachins Road, Maruti Sewa Nagar Benglore North, St. Thomas Town Banglooru Karnatka Pin no. 560084 by virtue of registered sale deed no. 1232 dated 24.01.2024 meaning there by the defendant</p>	

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Continue 24.04.2026	<p>first party has been gradually withdrawn from adjudication of the case. The alleged purchase is in possession over the vended land, this implement in the suit for the complete adjudication of the case in right and perspective manner is necessary and if his implement is not allowed the defendant shall be prejudiced and also give rise to the multiplicity of the suit. It is therefore prayed to allow the name of Forhan Hoda as defendant no. 04.</p> <p>No objection has been filed by plaintiffs.</p> <p>Heard both parties and perused the record.</p> <p>From perusal of the record it transpires that the suit is fixed for hearing. It appears that the person whose name is mentioned in petition is a necessary party to the suit. The Hon'ble Supreme court in the case of Mumbai International Airport Pvt. Ltd. Vs. Regency Convention Centre & Hotel Ors., AIR 2010 SCC 4222 has observed that necessary parties are those in whose absence no effective decree can be passed by the Court. It has also been held that if a necessary party is not impleaded in the suit, the suit itself is liable to be dismissed.</p>	
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