

Regular Civil Suit No. 112/2006

Order Below Exh. 110

(1) Read this application as well as papers on record. Heard, Learned advocate of the respective parties.

(2) This application has been given on behalf of the plaintiff for impleading the trustee of the defendant trust as party to the suit. It is contended that the defendant no. 2 is the trustee of the Human Welfare Trust and defendant No. 2/1 to 2/7 are the trustees of the Human Welfare Trust who is the defendant no. 2. It is contended that defendant no. 2/2 namely Patel Ganeshbhai Pittambarbhai expired and therefore the trustee Dilipbhai Parshottambhai Patel has been added to the trust. The relevant document provided by the Public Trust Registration Office, Palanpur is produced on record which shows that as per Schedule-3

the defendant no.2 has declared that the new trustee namely Dilipbhai Parshottambhai Patel has been added as trustee in the Human Welfare Public Trust. That the copy of the change report produced before the Public Trust Registration Office is attached alongwith the application Exh. 110 vide Mark- 110/1 by the plaintiff.

(3) The otherside has not denied about this fact on record.

(4) Under the circumstances it transpires to believe that the schedule-3 change report has produced by the defendant no 2 Human Welfare Trust in the Public Trust Registration Office, Palanpur is an admitted fact and the new trustee is added according to the change report.

(5) Looking to the cause title of the present suit the defendant no. 2 trustees of the Human Welfare Trust are on record as defendant no. 2/1 to 2/7. Under the

circumstances the newly added trustee of the defendant no. 2 is also necessary party so as to implementing any order of the Court in the suit and therefore the newly added trustee of the defendant no. 2 trust may be added as defendant no. 2/8. It is also contended on behalf of the applicant-plaintiff that as soon as the change report came in to the knowledge of the plaintiff this application has been preferred therefore delay if any for preferring this application, is prayed for to be condoned.

(6) Considering the provisions of Order-I, Rule-(10)(2) of the Code of Civil Procedure, 1908 it is necessary to implead necessary party to the suit and the plaintiff has prayed for impleading the trustee of defendant no. 2 trust as party, the defendant no. 2/8. Therefore the present application is required to be allowed under order-1, Rule-(10) (2) of the Code of Civil Procedure, 1908. Therefore following order is passed in the interest of justice.

: - ORDER : -

This application(Exh.110) is allowed under Order-I, Rule-(10)(2) of the Code of Civil Procedure Code, 1908.

The plaintiff shall amend the plaint accordingly within seven days as per Rules.

Considering the facts and circumstances of the case no order as to costs.

Pronounced in open Court today on 13th day of October, 2017.

Place:-Palanpur.

(MAHEBOOB MOHAMMEDBHAI SHAIKH)

Date :- 13.10.2017

Principal Senior Civil Judge,

Palanpur.

[UIC No. GJ 00607]