

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,

SHAHAPUR

Dated this the 30th day of June 2025

Present: Smt. Hema Pastapur, B.A.,L.L.B.

SENIOR CIVIL JUDGE & JMFC, SHAHAPUR

OS No.48/2019

Plaintiff: Abdul Basha S/o Rasool Sab.Momin

(By Sri.S.S. Advocate)

Defendants: Iqbal S/o Abdul Sab.Momin & Ors.

(By Sri.S.V.K., Advocate)

Proposed Defendants No.5 & 6.

5. Smt. Sarifa Bee W/o Iqbal Momin, Age 60 years, Occ. House Hold, R/o Naikal Villlage, Tq. Wadagera, Dist. Yadgir.
6. Smt. Malan Bee W/o Jalal Sab Momin, Age 48 years, Occ. House Hold, R/o Naikal Villlage, Tq. Wadagera, Dist. Yadgir.

(By Sri.S.V.K. Advocate)

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Order on IA No.VIII

1. That, the plaintiff has filed the application U/o I rule 10 R/w Sec.151 of CPC with a prayer to implead the proposed Defendants No.5 and 6 in present case. That, the plaintiff in his application has contended that, some of the suit house properties are the ancestral

and joint family properties of himself, the defendants and proposed defendants No.5 and 6. That, the proposed defendants No.5 and 6 are not impleaded in present case. Hence, it is very much necessary to implead them as a necessary parties.

2. That, the proposed defendants No.5 and 6 have filed their objections to said application and have contended that, they have purchased the house property and the said property is their self acquired property and till today their names are appearing in the Panchayath Khatha and in view of the same the plaintiff and defendants No.1 to 4 are no way concerned to the said property as per Mohammadan law. Hence, prayed for rejecting the said application.

3. That, I have heard the arguments and perused the materials placed on record.

4. That, the following points arise for My consideration and determination.

1. Whether the plaintiff has made out the grounds that the proposed defendants No.5 and 6 are necessary parties to the suit?

2. What order?

5. That, My answer to the aforesaid points are as under;

Point No.1: In the **NEGATIVE.**

Point No.2: As per the final order
for the following;

REASONS

6. **Point No.1:** That, the plaintiff has contended that, the proposed defendants No.5 and 6 are the necessary parties to the suit and whereas, the proposed defendants No.5 and 6 have denied the same and have filed xerox copy of sale deed and demand register to show that, the proposed defendants No.6 had purchased the open space bearing No.9-27(38) situated at Naikal village.

7. It is to be noted here that, the plaintiff has submitted genealogy in present case but not explained about the proposed defendants No.5 and 6 and in present in application also not explained how they are related to his family. That, in absence of any specific plea such application cannot be entertained. Hence, **Point No.1 is answered in the NEGATIVE.**

8. **Point No.2:** That, as discussed on point No.1, I proceed to pass the following;

ORDER

That, the application filed by the plaintiff
in IA No.8 is hereby rejected.

For further evidence by plaintiff side.

By 17-07-2025.

(Directly dictated to the stenographer, typed by her, corrected by me and then pronounced in the open Court on this 30th day of June, 2025).

(Hema Pastapur)

**Senior Civil Judge & JMFC,
Shahapur.**