

IN THE COURT OF THE SENIOR CIVIL JUDGE & JMFC,
SHAHAPUR

Dated this the 15th day of October- 2025

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

SENIOR CIVIL JUDGE & JMFC, SHAHAPUR

MVC 283/2023

Petitioners: Syeda Fatima W/o late Md. Rafeeq Ahamed
Raje & Ors.

(By Smt. B.M.R., Advocate)

Respondents: Laxman S/o Chandappa Dodmani & Ors

(Respondent No.1 & 2- Exparte)

**(Respondent No.3 by Sri.T.G.K.,
Advocate)**

Proposed respondents No.4 & 5 : Sadiya Parveen & Anr.

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

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IA No.I

Dated: 12-03-2024

Objections filed on 03-08-2024

IA No.III

Dated: 23-09-2024

Objections filed on 20-11-2024

Disposal off IA's No.I and III dated 15-10-2025

Common Orders on IA's NO.I & III

1. That, the proposed respondents No.4 and 5 have filed the application U/o I Rule 10 of CPC, with a prayer to implead them in present case and proposed respondents No.6 to 9 have also filed application Under Order I Rule 10(2) R/w Section 151 of CPC with a prayer to implead them in present case.

2. That, the proposed respondent No.4 has submitted that, the deceased Mohammed Rafiq was her husband and the petitioners without her knowledge have presented the present petition. That, this respondent has further pleaded that, she and the proposed respondent No.5 are necessary parties to the proceedings.

3. That, the petitioners have submitted their objections to said application and have contended that, the respondent No.5 born to the respondent No.4 from her earlier marriage and due to which she cannot become the heir of the deceased Mohammed Rafiq and proposed

respondent No.4 is not a legally wedded wife of said deceased as on alleged date of accident. Hence, prayed for rejecting the said application.

4. That, the proposed respondent No.6 has submitted that, the deceased Mohammed Rafiq was her husband and the proposed respondents No.7 to 9 are their children and all of them having legitimate share in the compensation amount. That, this respondent has further pleaded that, she and the proposed respondents No.7 to 9 are necessary parties to the proceedings.

5. That, the petitioners have submitted their objections to said application and have contended that, if at all the proposed respondents No.6 to 9 are the Lrs of the deceased Mohammed Rafiq they have got every liberty to file fresh case and can claim their rights. Hence, prayed for rejecting the said application.

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

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

1. Whether the proposed respondents No.4 to 9 have made out the grounds that they are the necessary parties to the present proceedings?

2. What order?

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

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

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

REASONS

9. **Point No.1:** That, the proposed respondents No.4 to 9 are claiming that, they are the necessary parties to the proceedings and it is very much necessary to implead them in present case. It is to be noted here that, a necessary party is one without whom no effective decree can be passed. It is to be noted here that, the proposed respondents No.4 to 9 are claiming that, they are the wives and children of the deceased Mohammed Rafiq. It is to be noted here that, whether the said proposed respondents

No.4 to 9 are legal heirs of the said deceased or not will be ascertained at the time of full-fledged trial. It is to be noted here that if the said respondents are permitted to come on record they no prejudice will be caused to other side. Hence, without much discussion **Point No.1 is answered in the AFFIRMATIVE.**

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

ORDER

That, the applications filed by the proposed respondents No.4 to 7 in IA's No.I & III are hereby allowed.

That, the petitioners are hereby directed to implead the proposed respondents No.4 to 7 and file amendment petition.

(Directly dictated to the typist-copyist, typed by him, corrected by me and then pronounced in the open Court on this 15th day of October- 2025).

(Hema Pastapur)
Senior Civil Judge & JMFC,
Shahapur.