

Regular Civil Suit No. 646 of 2019

(Shakuntala Pawar vs. Baban Pawar)

ORDER BELOW EXH. NO. 44

This is an application filed by the third party under Order 1, Rule 10 of Code of Civil Procedure, 1908 for addition of party.

2. Heard the learned advocate for the third party. He submitted at bar that, the plaintiff has filed the suit for partition and separate possession. In the present suit the plaintiff has not shown the correct pedigree of the deceased Vishwanath. He further submitted that, the third party Anita Govindrao Gujar @ Anita Jayantibai Wasava is the grand-daughter of deceased Vishwanath. She is necessary parties to the suit. Hence, prayed to allow the application.

3. The plaintiff has filed their say where the plaintiff has admitted that, the third party Anita Govindrao Gujar @ Anita Jayantibai Wasava is the grand-daughter of deceased Vishwanath.

4. Following points arise for my determination, I record my findings to them for the reasons stated herein below.

<u>Sr. No.</u>	<u>Points.</u>	<u>Findings.</u>
1	Whether the presence of proposed defendants is necessary in order to enable the court to effectually and completely adjudicate all the questions involved in the suit ?	Yes
2	What order ?	Application is Allowed.

REASONS:

As to Point No.1:

5. Read the plaint and written statement. Perused the application. I have heard learned advocate for the plaintiff as well as third party.

6. The present suit is pertaining partition and separate possession. The third party is the grand-daughter of the common ancestor Vishwanath. Hence she is the necessary party.

7. As per Order I, Rule 10 of C.P.C., necessary party is one whose presence is absolutely necessary and without whose presence the issue cannot be effectually and completely adjudicated upon and decided between the parties. Hence, the proposed defendant are a necessary party to the suit. Hence , I proceed to pass the following order.

ORDER

- 1) Application (Exh.No. 44) is allowed.
- 2) The plaintiff is directed to add Anita Govindrao Gujar @ Anita Jayantibai Wasava in the arena of the defendant within 14 days from this order.

Date:-10/12/2025.

(Mayur E. Pawar)
Civil Judge Senior Division,
Tal. Rahuri, Dist. Ahmednagar.