

Order below Exh. 58 in RCS No.271/2011
CNR : MHAH230011232014

- 1] Present application is filed by the plaintiffs under Order 1 Rule 10 r.w. Order 6 Rule 17 of code of Civil Procedure.
- 2] It is contended by the plaintiffs that, present suit is filed for partition and permanent injunction. During the pendency of the present suit defendant Nos.1 to 3 have executed sale deed regarding gat Nos.224 and 322 on 29-07-2016 in favour of Deepak Aabasaheb Nalage, Ganesh Deshmukh. Also on 10-04-2017 they have transferred the remaining area in gat No.224 in favor of Amil Ghavate. Said transactions are against Section 52 of The Transfer of Property Act. Plaintiffs have got the information regarding said transactions and hence, it has become necessary to add them as party to the present proceeding and to incorporate necessary pleading to that effect.
- 3] On present application, no say application filed by the defendants and hence, application has remained unchallenged.
- 4] Perused record and heard advocate for the plaintiffs.
- 5] Present suit is filed for partition and permanent injunction. Plaintiffs have filed mutation entries on record which shows that, defendant Nos.1 to 3 have transferred their area as contended by the plaintiffs. In such circumstances, said persons to whom properties are transferred are necessary parties and to decide all question in controversy they are required to be made party in present proceeding. No prejudice will cause to defendants. Hence, in such circumstances application is required to be allowed and following order is passed.

ORDER

- 1) The application exh. 58 is hereby allowed and plaintiff is directed to make carry necessary amendment within 14 days.
- 2) Plaintiff is directed to file copies of amended plaint.
- 3) No order as to costs.

Sd/-

(Pankaj K. Ahir)

Jt. Civil Judge, Junior Division,
Shrigonda, Dist. Ahmednagar

Date : 30/04/2019.