

**COMMON ORDER BELOW EXH.1 IN RCS NO. 217/2013 AND
RCS NO.687/2013**

Perused record. Earlier, learned advocates for both the sides were given opportunity to be heard and both the sides were heard on the point power of attorney deed and agreement to sale (साठेखत) being entered in respect of parts of the areas of the suit property in favour of Akbar Mohammad Pathan, Uttam Narayan Bendre, Vijay Namdeo Baarhate, Sanjay Gangadhar Thokal, Babasaheb Rambhau Bhor, Tulshiram Bapurao Kale, Gorakshnath Janardhan Pathare and Raju Gabaji Pawar. The aforesaid persons are not parties to the present suits. Further, both sides were also heard on the point of suit filed by Akbar Pathan in the other Court at Parner against Sanjay Thokal for specific performance which is in respect of the same suit property. It was argued by learned advocate for defendants in RCS No.217/2013 that, agreement to sale entered are without possession and those agreements are not converted yet into sale deeds and their rights are not created in the suit property and it will be the responsibility of sellers about what to be done and hence, there is no need to add such persons as parties to suits. Learned advocate for plaintiffs in RCS No.217/2013 submitted that, the suit property is given by the will deed of Thakubai and third-party interest has been created and hence, those persons are necessary parties.

Upon going through the record of both cases and considering that, the agreements to sale are entered without possession and those have not been substantiated further into sale deeds, as also argued by learned advocate for defendants in RCS No.217/2013, it is not the case where such persons need to be added to the suit as it is not the position that, sale deeds in respect of suit property are entered in their favour. Similarly with regard to

the other suit filed, it is also the position from record that, no sale deed has been entered in favour of Akbar Pathan and Sanjay Thokal. Hence, considering such position having already heard the arguments of both the sides, the suits are therefore, fixed for judgment.

Date : 07/05/2026

(Dr. N.S.Sabnis)
Jt.Civil Judge Junior Division,
Parner.