

R.C.S. No. 472 / 2024
(MHAH250012982024)
Eknath Vs. Pralhad

ORDER BELOW EXH. 29.

This is an application by plaintiff for seeking permission to implead parties to the suit and to carry out consequential amendment in the plaint as per Order VI Rule 17 of the Code of Civil Procedure.

2. It is submitted that plaintiff has filed suit for partition of suit properties. However, during pendency of suit despite of there being no partition of suit properties, defendant nos.2, 4 to 6 have alienated suit property by executing sale-deed in respect of Gut no.542, 582, 602, 685, 743 and 757 to Surekha Dattatraya Pathare and Nikhil Dattatraya Pathare. The said sale-deed is not binding upon the plaintiff. Hence, plaintiff has sought permission to implead the purchasers of the suit property as party to present suit and to carry out consequential amendment in the plaint.

3. Notices was issued to proposed defendants. They appeared and filed their say at Exh.36. They admitted the execution of sale-deed in their favour, however, submitted that owing to financial difficulty, defendant nos.2, 4 to 6 have executed said sale-deed for consideration. They admitted rest of the contention in the application and by submitting that in order to harass them, they are entitled to be party to the present suit, hence, prayed that application be rejected.

4. Having considered submissions and nature of suit, it appears that although the suit is filed for partition of suit properties, pending suit defendant nos.2, 4 to 6 have executed sale-deed in

respect of Gut no.542, 582, 602, 685, 743 and 757. Proposed parties have admitted execution of sale-deed in their favour. It appears that despite there being no partition of suit properties, third party interest were created in the suit properties. It appears that rights of third party have also being available in the suit properties. Therefore, considering the over all submissions and nature of suit, I find that it is necessary to implead the purchasers of the suit property pending the suit as party to the suit and also to allow plaintiff to carry out consequential amendment in the plaint, therefore, I pass following order:-

ORDER

1. Application is allowed.
2. Plaintiff is permitted to implead Surekha Dattatraya Pathare and Nikhil Dattatraya Pathare as party to the suit and also to carry out consequential amendment in the plaint, as prayed for, within next date.

Date: 01.03.2025
Parner

(R. K. Deshpande)
Civil Judge, Junior Division,
Parner.