

**ORDER BELOW EXH.11**  
(Passed on 7<sup>th</sup> March, 2026)

This is an application filed by the plaintiff vide Order I Rule 10 and under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908, (for short C.P.C.).

02. The suit is filed for specific performance of contract in respect of the suit property mentioned in plaint para no.1. The suit is based upon agreement to sale dated 29.08.2025 by which defendant Nos.1 to 4 have agreed to sale the suit property to the plaintiff for the consideration of Rs.1,64,45,472/-. Out of it, they have paid the earnest amount of Rs.7,00,000/- to defendant Nos.1 to 4. The Sale-Deed was agreed to be executed on or before 30.10.2025. On 27.10.2025, the plaintiff issued notice through his Advocate asking the defendant Nos.1 to 3 to comply the conditions mentioned in the agreement to sale and execute the Sale-Deed. In the mean time the plaintiff came to know that, defendant Nos.1 & 2 have transferred their 1/3rd undivided share in the suit property to proposed defendant No.7. It is therefore, submitted that, the presence of proposed defendant No.7 is necessary for adjudication of the suit. It is also submitted that, the necessary amendment in the form of pleading against proposed defendant No.7 is necessary. Hence, this application.

03. Defendant Nos.1 to 4 have opposed the application. Proposed defendant No.7 also opposed the application by reply (Exh.25).

04. Heard both sides at sufficient length. As a matter of fact, it is not disputed that, defendant No.7 has purchased certain

portion of the suit property during the pendency of present matter. It is also clear that, he was having knowledge about the pendency of the present suit. Thus, in my opinion no decree can be passed in absence of proposed defendant No.7. His presence in the suit is necessary. Accordingly, I hold that, the application needs to be allowed. Hence, the following order.

### **ORDER**

1. The application Exh.11 is hereby allowed as sought.
2. The plaintiff shall add defendant No.7 as party defendant in the suit. He is further allowed to carry out the proposed amendment as mentioned in the application.
3. Accordingly, either the plaintiff shall amend the plaint on or before next date of this suit and shall produce the copy of amended plaint on record.
4. Costs in main cause.

Date: 07/03/2026.

( **Shivnath M. Kale** )  
Civil Judge (Sr. Dn.),  
Akot.

**CERTIFICATE**

I affirm that, the contents of this P.D.F file order are same word for word as per original Order.

Name of Steno	:	S. G. Jaiswal
Court Name	:	Civil Judge, S.D., Akot.
Date	:	07/03/2026.
Order Signed by P.O on	:	07/03/2026.
Order Uploaded on	:	07/03/2026.