

Order below Exh. 26 in R.C.S. No. 33/2013

1. This is an application, by plaintiffs, seeking an amendment in the plaint, by way of an addition of parties, as defendants. It is contended that plaintiffs are seeking relief of partition in respect of Block No. 151 and 146, situated within limits of village Shivoor and Block No. 99, situated within limits of village Tunki. In the present matter, defendant Nos. 1 to 9 appeared. Even, defendant Nos. 1 to 4 filed their written statement. However, they did not furnish any information and transferred the land, admeasuring 7 Hectors 8R, out of Block No. 151 to Balu Karbhari Jadhav and Bhaginath Karbhari Jadhav by registered sale deed, dated 06/09/2014. Similarly, they also transferred the land, admeasuring 3 Hectors 51R, out of Block No. 99, admeasuring Hectors 59R to one Namdev Ganpat Moin. Defendant Nos. 1 to 4 illegally entered into above transactions. Therefore, the purchasers are required to implead as defendants. Thus, plaintiffs are praying for impleading the purchasers as defendants 16,17 and 18.

2. Called say of other side. Ld. Counsel for defendant Nos. 1 to 4 filed his say and thereby resisting the application. It is contended that the contents of application are false. He is praying that application may be rejected.

3. Heard both sides. I have gone through the entire proceeding, application, say and documents, filed on record. As per the contention of plaintiffs, defendant Nos. 1 to 4, during pendency of the proceeding, transferred the part of suit properties to third persons. Therefore, the purchasers became necessary party to the suit. In absence of these purchasers, no effective decree can be passed against them. Plaintiffs, in support of their contention, filed copies of concerned sale deeds on record. I have gone

through these documents. The documents would show transactions, dated 06/09/2014, as well as 19/09/2014. The first transaction is between defendant No.1 and purchaser Nos. 1 and 2, while another is between defendant Nos. 1 to 4 and purchaser No. 3. Thus, both the documents support the contention of plaintiffs in respect of enter into transactions by defendant Nos. 1 to 4 in respect of part of the suit properties. Thus, although, defendant Nos. 1 to 4, by their say, denying the alleged fact and resisting the application. I do not find any merit in the said submission. Thus, the alleged transactions are duly brought on record by plaintiffs by filing copies of the concerned sale deeds. In the circumstances, the purchasers are necessary party to the suit and without them, no effective decree can be passed. Therefore, obviously, these purchasers are necessary party to the suit. They are required to be impleaded as defendants. Therefore, I am inclined to allow the application. Hence, I pass following order.

Order.

- 1) The application is allowed.
- 2) Balu Karbhari Jadhav, Bhaginath Karbhari Jadhav and Namdev Ganpat Moin, be impleaded as defendants 16,17, and 18 respectively.
- 3) Plaintiffs to carry out an amendment within 14 days and shall supply amended plaint thereof.

Sd/-

Place:- Vaijapur
Date :- 21/11/2014

(D. J. Endait)
2nd Jt. C.J.J.D. Vaijapur.

CERTIFICATE

I affirm that the contents of this P.D.F. file judgment are same, word to word, as per the original judgment.

Name of the stenographer : R.S. Chaudhari.

Court: 2nd Jt.C.J.J.D. Court, Vaijapur.

Date: 21/11/2014

**Judgment signed by the
Presiding Officer on:** 22/11/2014

Judgment uploaded on: 22/11/2014