

**ORDER BELOW EXH.36**  
**Passed On 26.07.2023**  
**(Mahasing Vs. Shivlal & Ors.)**

01- This is an application filed by the plaintiff under Order VI Rule 17 and Order I Rule 10 read with Section 151 of the Civil Procedure Code (hereinafter referred as the Code).

02- Perused the application and entire documents filed on record.

03- The application proceeded without say.

04- Heard Ld. Advocate for Plaintiff. Plaintiff by way of this application sought for the permission to implead proposed defendant Nos.10 to 14 as during pendency of suit, the defendant alienated the suit land i.e. land gut No.19 to the extent of 14 H situated at Fatiyabad, Tq. Gangapur, Dist. Aurangabad in favour of proposed defendant Nos. 10 and 11. The plaintiff though file objection before proposed defendant Nos.12 to 14 but they did not restricted the alienation of suit land. Therefore, said purchaser and other proposed defendants are necessary parties to suit. Therefore, by way of this application, the plaintiff sought permission to implead them and amend the plaint and to include contents relating to it by way of adding para no. 8-A, contents preceding Para No.10 prayer clause etc. The application remained uncontested as defendants did not file the say. The application is supported by the affidavit. Also, the sale deed executed by the defendant No.4 in favor of proposed defendant Nos.10 and 11 is on

record. Though plaintiff sought for impleading defendant Nos.12 to 14, however, they are the state parties and no relief is sought against them. Therefore, only proposed defendant Nos.10 and 11 appears to be necessary party. So also, the contents relating to alienation, which the plaintiff sought to include by present application appears to be necessary for determining the real controversy between the parties.

05- In view of above facts, defendant Nos.10 and 11 only appears to be necessary parties and also amendment sought by the plaintiff is necessary for determining the real controversy between the parties. It would be futile exercise to proceed with the suit without being implead defendant Nos. 10 and 11 as necessary parties. Therefore, in view of the above reasoning, the application deserves to be allowed. Hence, I pass the following order.

**ORDER**

- 1- The application is allowed.
- 2- Ashok Damodhar Nade and Kishor Damodhar Nade be impleaded as defendant Nos.10 and 11.
- 3- Plaintiff to amend the plaint accordingly, within 14 days from date of this order and to serve the copies of the same on defendants.

**Date : 26.07.2023.**  
**Place : Gangapur**

**( S. S. Agrawal )**  
**Jt. Civil Judge, Jr. Dn., Gangapur,**  
**Tq. Gangapur, Dist. Aurangabad.**

**CERTIFICATE**

I affirm that the contents of this P.D.F File Exh.1/Judgement order are same, word to word as per the original order.

Name of the Stenographer	Sanjaykumar V. Shinde
Name of the Court	Sushma S. Agrawal, Civil Judge, Junior Division & Judicial Magistrate, F. C., Gangapur., Court No.2
Judgment / Order signed by the P.O on	26.07.2023
Judgment / Order uploaded on	26.07.2023