

MHAU130000902021



R.C.S./51/2021

**Gajarabi Shaikh Osman Shaikh Chand & Ors. Vs. Muktanand Granirman
Sanstha & Ors.**

ORDER BELOW EXH.46

1. Present application is made by third party under order 1 Rule 10 of the Code of Civil Procedure, 1908 for adding him as a party defendant in the suit. Read the application and reply of plaintiffs at Exh.50. Heard Ld. Advocates for the rival parties.
2. Ld. Advocate for applicant submitted that, the applicant is having vested interest in the suit property. Therefore, it is necessary to hear him by adding in the suit as party defendant. He contended that, if present matter is decided without hearing the applicant, it will cause great injustice on him.
3. Ld. Advocate for plaintiffs submitted that the applicant has efficacious remedy available under the law if he claims to have share in the suit property. The nature of suit is not such that which cannot be decided without adding applicant as party. Therefore, present applicant is not necessary party to the suit.
4. The suit is for declaration of ownership and for possession in respect of immovable property. Present applicant claims to have vested interest in suit property. In such circumstances, it is necessary to hear him. In other words the presence of the applicant is necessary in order to enable

this court to effectually and completely adjudicate upon and settle all the questions involved in this suit. He ought to have been joined as a party to the suit. However, he is not joined by the plaintiffs as party to the suit. Therefore, the application needs to be allowed. Hence, I pass following order :

ORDER

1. Application stands allowed.
2. The plaintiffs are directed to add applicant Shaikh Kasam Shaikh Usman as a party defendant in the suit and amend the plaint accordingly.

Date :- 12.11.2024
Place :- Aurangabad.

(Shri. N.H. Tikhe)
Civil Judge Senior Division
(Corporation Court), Aurangabad.

CERTIFICATE

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

Name of the Stenographer	: S.V.Shinde
Court	: C.J.S.D.(Corporation Court), Aurangabad
Date	: 12.11.2024
Order signed by the presiding officer on	: 12.11.2024
Order uploaded on	: 12.11.2024