

(1)

DISTRICT COURT AT BEED.

Reg. Civil Appeal No. 46/2025

(CNR MHBI010009412025)

Abdul Mukhid Abdul Gani Pathan

Vs.

Ratanbai Kisan Gunjal and others

ORDER BELOW EXH. 13

Being aggrieved by the judgment passed in RCS No. 25/2013 on 18/02/2025 by Ld. 2nd Joint Civil Judge (Junior Division), Georai, Tq. Georai, Dist. Beed, the appellant/ original plaintiff had filed this appeal under Section 96 of CPC before this Court.

2. The impugned application is filed under Order 1 Rule 10 of CPC for impleading the proposed purchaser as party in this appeal.

3. The appellant/ original plaintiff had filed suit for specific performance of contract contending that one Kisan Gunjal had agreed to sale the suit property for Rs.1,25,000/- and received earnest amount of Rs.65,000/-. Accordingly, a agreement to sale was executed. Respondents/ defendants are the legal heirs of the deceased Kisan Gunjal and had admitted the execution of agreement. As per submission the alleged agreement was not exhibited and the suit came to be dismissed.

4. Thereafter, Exh. 5 was filed in impugned appeal by the appellant wherein, judgment of the Ld. Trial Court was stayed and also respondents were directed not to create any third party interest in the suit property. But, prior to it, respondents had given consent letter, affidavit and undertaking in favour of the proposed respondent

(2)

no.4 Sayyed Salim Sayyed Fattu and proposed respondent no.5 Shaikh Azhar Shaikh Gaffar that as the deceased Kisan Gunjal, who was a restricted owner and permission of Competent Authority was required for sale of the land. The aforesaid document were given to facilitate the proposed respondents to obtain permission for sale.

5. As per submission of Ld. counsel for respondents they have not executed any sale deed in favour of the proposed respondents no. 4 and 5. Thus, in view of this submission and in the opinion of the Court as the sale deed has not been executed, the proposed respondents cannot be added as a party to this appeal. They are neither necessary and/or nor proper. The document executed by the respondents in favour of proposed respondents are not duly registered as per Indian Registration Act and does not carry any presumptive value as per Section 17 of the Act. Hence, the application is premature and accordingly, I pass following order;

ORDER

Application Exh. 13 is hereby rejected.

Beed.
Dt. 19/08/2025

(Anand L. Yawalkar)
Principal District Judge Beed.

(3)

I affirm that the contents of this PDF file are word to word as per original Judgment / order.

Name of Steno : G. N. Ghayal
Name of Court : Dist. & Sessions Court, Beed,

Sd/-
(G. N. Ghayal)
Stenographer Grade-I