



R.C.S. 14/2024
Aasha +3 -Vs- Sushila + 9
CNR No.MHBHU07000592-2024

ORDER BELOW EXH. 24

The present application is filed by plaintiff under Order 1 Rule 10 of the Civil Procedure Code for impleading Shri. Dattatray Shivram Kathole as defendant no.11 in the present suit. Accordingly, notice was issued to him. Shri. Dattatray Kathole filed reply vide Exh.37 and strongly opposed the application.

2] Perused the application, say and record. It is the contention of the plaintiff that the present suit is filed for partition, declaration and Injunction. The proposed defendant no.11 is one of the legal heir of the deceased Shivram Kathole. Therefore, considering the nature of property, he is necessary party in the present matter. Therefore, being necessary and proper party prayed for adding him as defendant no.11.

3] Shri. Dattatray submitted that plaintiff was well aware that he is necessary party. The plaintiff has made party to his wife and sons as defendant nos. 5 to 7 respectively. Now the plaintiff has no right to implead him as party. Hence prayed for rejection of the application.

4] Heard both sides. It is admitted that Shri. Dattatray is necessary party to the present suit. His wife and sons are already parties to the suit. The underlying principle regarding the addition of parties is that there

must be finality to litigation and to secure that purpose it would be incumbent upon the court to add a party whose presence would be necessary to put an end to all the controversy in the litigation finally. If there is a question common to the parties on record and a stranger as regards the subject matter of the suit or any portion thereof it should be tried once for all by allowing the stranger to be made a party. The language in the section should be interpreted in a liberal and wide manner that persons should be made parties to a suit if such a course would ensure a final and complete adjudication of the points involved and avoid multiplicity of proceedings. Shri. Dattatray S. Kathole is the necessary and proper party in the suit. Hence in view of Order I Rule 10 (2) of the Civil Procedure Code. 1908, I proceed to pass following Order.

ORDER

1. The application is allowed.
2. The plaintiff is directed to add the name of Shri. Dattatray Shivram Kathole, Age :65 Occ: Farmer Resident: Near Charmori Flyover Shegaon as defendant no.11 till next date.

Date : 12.11.2024.

(Smt. M. K. GOTE)
Jt Civil Judge, J.D.,
Shegaon.