

MHGA090004292019



IN THE COURT OF JT. CIVIL JUDGE (JUNIOR DIVISION), Chamorshi

(Presided Over by S.A. Bhaisare)

Reg.C.S. No.40/2019

Shri. Arun Parshuram Katave +1

... Plaintiffs

-VERSUS-

Shri. Bandu Ustu Kothare

... Defendant

ORDER BELOW EXH. 61

(Passed on 12th September, 2025)

The present application has been made by the plaintiff under Order 1, Rule 10 of the Civil Procedure Code, 1908 thereby seeking to implead one Laxmibai Ushtu Kothare as defendant no.2 in the suit. The application is opposed by the defendant by filing his say on the overleaf.

2. A notice was issued to the proposed defendant no.2. She has filed reply at Exh. 70.

3. Perused the application and replies thereon. No arguments advanced by either party.

4. Perused the record. The suit is for Recovery of Possession, Cancellation of Sale Deed dated 29-04-1998 and Perpetual Injunction. It appears that the defendant has sold the suit property in favour of proposed defendant no.2. The proposed defendant no.2 has an interest, right or title in the suit property. It is pertinent to note that

the sale deed dated 29-04-1998 is not produced on record. However, the proposed defendant no.2, in her reply, admits the sale of suit property in her favour. As such, it seems that she is a subsequent purchaser of the suit property. Hence, although she is a proper party, her presence is required in order to effectually and completely to adjudicate upon and settle all the questions involved in the suit. It would also prevent multiplicity of proceeding.

5. The plaintiff is master of his suit claim. Considering the nature of suit claim, I am of the considered view that it would not cause any hardship upon defendants. As such, no prejudice would be cause to the defendant and proposed defendant no.2. In this premise, the following order is passed.

ORDER

1. The application below Exh No. 61 is allowed.
2. The plaintiff is hereby directed to add proposed defendant no.2 in the suit claim.
3. The plaintiff is hereby directed to carry out the amendment in the plaint and to file amended copy of the plaint on or before 23-09-2025.
4. After amendment, the proposed defendant no.2 has liberty to file her written statement within 30 days, if any.

Sd/-

Place:- Chamorshi
Date:- 12/09/2025.

(S. A. Bhaisare)
Jt. Civil Judge, (Jr.Dn.),
Chamorshi