

R. C. S. No. 28/2010  
Kaniya Vs. Govinda

**ORDER BELOW EXHIBIT No. 68**  
**(Passed On 04/04/2023)**

01. This application is filed by third party i.e. Dr. Tunurag Govinda Mahajan minor through his guardian Harshali Govinda Mahajan for adding him in present suit as per Order I Rule 10 Code of Civil Procedure, 1908.

**The applicant submits as under :-**

02. The applicant Dr. Tanurag Govinda Mahajan through his guardian Harshali Govinda Mahajan submit that he is son of defendant Govinda Onkar Mahajan. As such he also has undivided share in the suit property. But, the plaintiff has not added him as a party in present suit. As present suit is filed by plaintiff for partition and separate possession of ancestral property. He is necessary parties in present suit. Lastly, he prayed for allowing of application.

03. The plaintiff filed his say on this application. He submitted that the minor Dr. Tanurag Mahajan is not son of defendant. In the W.S. the defendant denied that he begotten child from the Harshali Govinda Mahajan. Therefore, the present application is not maintainable. Lastly, prayed for rejection of application.

04. I have heard both the counsels, perused the application and say filed by plaintiff. The third party contended that he is the son of defendant which is born to the Harshali

Govinda Mahajan. In the application it is contended that Harshali Govinda Mahajan is residing with the defendant in his house. Therefore, the physical relationship had been established between defendant and Harshali Govinda Mahajan. As such the Harshali Govinda Mahajan became pregnant from the Govinda Mahajan. The Harshali Govinda Mahajan gave birth to Dr. Tanurag Govinda Mahajan. As such he is the son of defendant.

**05.** But, as per the pleadings in the written statement defendant denied that he has begotten any child from the Harshali Govinda Mahajan. Therefore, the fact that whether Dr. Tanurag Govinda Mahajan is the son of defendant has to be proved during the trial. But, prima-facie the applicant filed his bona-fide certificate and Adhar Card below list of document at Exh. No. 67. On perusal of both these document, it reveals that the name of minor i.e. Dr. Tanurag Govinda Mahajan has been mentioned. Therefore, there is prima-facie material in favour of minor i.e. Dr. Tanurag Govinda Mahajan that he is son of the defendant. Therefore, the opportunity required to be given to the minor i.e. Dr. Tanurag Govinda Mahajan for proving his contention that he is the son of the defendant. The present suit is for partition and separate possession. As such the presence of minor i.e. Dr. Tanurag Govinda Mahajan in present suit is necessary for final adjudication of the suit.

**06.** It is needless to state that only allowing of application will not itself prove that the minor Dr. Tanurag Govinda Mahajan is the son of defendant, the said fact required to be prove during the trial. Hence, I proceed to pass following order :-

**ORDER**

01. The application is allowed.
02. The plaintiff is directed to add third parties i.e. Dr. Tanurag Govinda Mahajan minor through guardian Harshali Govinda Mahajan as a defendant in present suit.
03. The plaintiff is directed to carry out necessary amendment till next date without fail.

Raver.  
Date: 04/04/2023.

**(Pravin P. Yadav)**  
Civil Judge Junior Division  
Raver.