

MHJN020021962019

**ORDER BELOW EXH.115****(Passed on 21.03.2025)**

. The applicant/third party- Chandrakalabai Bhaskarrao Bhalerao has filed present application under Order 1 Rule 10 read with Section 151 of Civil Procedure Code for addition of her name in the suit. It is submitted that, land Gat no.161 Adm. 3A situated at Mauje Kharpudi Tq. and Dist. Jalna is owned by the applicant and adjacent land Gat no.160 Adm. 4A was owned by Gayabai Gulab Kale. Out of which agreement to sale of 1A land was executed by Aparnabai Jaiswal with Gayabai Gulabrao Kale. However, while the said agreement to sale with the applicant was in existence, Aparnabai and legal heirs of Gayabai had executed another agreement to sale with Nandalal Meghawale and tried to sale out the said land in the absence and without consent of applicant.

2. It is further submitted that, therefore, applicant had filed RCS No.215/2012 against legal heirs of Gayabai, Aparnabai and Nandalal Meghawale. It was decided on 21.09.2015 and permanent injunction was granted in respect of 1A land in favour of applicant. Thereafter, Nandalal Meghawale had filed R.C.A No.145/2015 against the said judgment and decree which is still pending. However, during pendency of the said appeal Nandalal Meghawale in collusion with legal heirs of Gayabai and Aparnabai Jaiswal illegally sold 1A land to Girish Narayan Pawar and illegally recorded their names in the

7/12 extract. In fact, names cannot be entered in the revenue record during pendency of appeal and after judgment of trial court. There is every possibility to distribute compensation of land acquired by CIDCO as per the names recorded in the 7/12 extract. The plaintiff has suppressed material fact of earlier suit decided in favour of present applicant. Therefore, she may be allowed to participate in the present suit. In support of her contention the applicant has filed on record copy of judgment passed in R.C.S No.215/2012.

3. On the contrary, learned advocate for plaintiff has submitted that present applicant has not purchased the said property by way of registered sale-deed nor her name has been recorded in the 7/12 extract. Even the name of Jaiswal has not been recorded in the 7/12 extract. The present plaintiff was not party to the R.C.S No.215/2012 therefore, in view of the above said reasons the applicant cannot be allowed to participate in the present suit.

4. Heard learned advocate for both parties and perused the record. It appears that plaintiff Kesarbai Bhimrao Tode and others have filed present suit against Nandabai Baban Gadave to get separate possession of their undivided share in Gat no.160 Adm. 1H 65R situated at Mauje Kharpudi and further declaration of sale-deed no.1198/1997, 1199/1997 dated 30.04.1997, 3195/2016 dated 11.08.2016 and sale-deed no.6388/2018 dated 10.10.2018 as null and void.

5. According to plaintiff illegal ferfar entry dated 05.05.2008 was recorded in the name of mother of defendant no.1 to 5 namely Gayabai Gulab Kale by taking disadvantage of absence of

Bhaurao Mukundrao Bhosale. Moreover, sale-deed no.1198/1997 and 1199/1997 dated 30.04.1997 are forged documents. It do not bear the signature of Bhaurao Mukundrao Bhosale. Similarly, sale-deed no.3195/2016 dated 11.08.2016 and 6388/2018 dated 10.10.2018 are illegal and forged documents.

6. It is further submission of plaintiffs that defendant no.1 to 5 have illegally did transaction on the basis of bogus ferfar no.648 and illegally recorded name of defendant no.6 Nandalal Kisan Meghawale in the revenue record. Further the defendant no.6 has illegally sold the land without ownership to defendant no.7 by way of sale-deed no.6388/2018. The plaintiffs have undivided share in the suit land. It means that the plaintiffs have challenged all the sale-deeds of suit property in the present suit and claimed the relief of separate possession of their undivided share.

7. The present applicant has come with the submission that Aparnabai Jaiswal had executed agreement to sale of Gat no.160 Adm.1A in her favour and during existence of the said agreement to sale with her, Aparnabai and legal heirs of Gayabai had executed sale-deed of the said land in favour of Nandalal Meghawale. Applicant had filed R.C.S.No 215/2012 against Aparnabai, Nandalal Meghawale and legal heirs of Gayabai/Gulab Baban Gadve for specific performance and permanent injunction. It was came to be partly decreed on 21.09.2015 wherein injunction was granted till the handing over legal possession from the plaintiff. Further, defendant no.1 was directed to pay earnest amount of Rs.75,000/- to the plaintiff within one month.

8. It is not disputed that, the court may at any stage of the proceeding either upon or without the application of either party and on such terms as may appear to be just, order that name of any party improperly joined whether as plaintiff or defendant be stuck out and that the name of any person ought to have been joined as plaintiff or defendant or whose presence before the court may be necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit be added.

9. As stated earlier, and even from the submission of present applicant, it appears that only agreement to sale was executed in favour of applicant by Aparnabai in respect of Gat no.160 Adm. 1A land. Subsequently, same land was sold to Nandalal Meghawale by way of registered sale-deed.

10. As per ferfar entry no.1756 dated 19.09.2016 it appears that Anand Gulab Kale and others have sold Gat no.160 Adm. 1H 65R to Nandalal Meghawale by way of registered sale-deed dated 11.08.2016. Further he has already sold the same land to Girish Narayan Pawar. So as on today the registered sale-deed in the name of Girish Narayan Pawar is in existence. Said sale-deed has been challenged by plaintiffs in the present suit. Admittedly, there is no revenue record nor registered sale-deed in the name of present applicant.

11. The plaintiffs have simply claimed their undivided share in the suit property against the persons in whose favour registered sale-deed are in existence. Whether they are entitled for the relief claimed are not is the part of evidence and needs to be decided on

merit. As on today there is no reason to allow the present applicant to participate in the present suit nor the applicant is found necessary party whose presence before the court is necessary in order to enable the court effectually and completely to adjudicate upon and settle all the questions involved in the suit. Therefore, in view of aforesaid reasons application filed by the present applicant deserves to be rejected with the following order:

**ORDER**

1.	Application filed by plaintiff vide Exh.115 is hereby rejected.
2.	Application is accordingly disposed off.

Date:-21.03.2025

(Madhuri R.Khanwe)  
2<sup>nd</sup> Jt. Civil Judge (Sr.Dn.),  
Jalna.

**CERTIFICATE**

I affirm that, this PDF file is word to word as per original Order/Judgment.

Name of Stenographer : Pratiksha B. Magare  
Name of Court : 2<sup>nd</sup> Jt. Civil Judge (Sr.Dn.), Jalna.  
Date of PDF :21.03.2025.

Signature.