

**Regular Civil Suit No.44/2011.****ORDER PASSED BELOW EXH.76**

1. This application is filed by third party applicant namely, Kirankumar Yadav under Order 1 Rule 10 of the Code of Civil Procedure praying therein to add him as defendant No. 9 in this suit.

2. **Facts of application in short as under :-**

This is a suit filed by plaintiff seeking perpetual injunction in respect of agricultural land out of Gat No. 191 admeasuring 4 H. 42 R. situated at village Chipri, Tal.- Shirol. Third party application has come before the Court contending that he has purchased 36 R. land out of said block from defendant No.1 vide registered sale deed bearing No. 1320/2012 and 36 R. land from defendant No.5 vide registered sale deed bearing No. 1142 dated 9.3.2012. According to third party applicant, he is in possession of this purchased property. He is bonafide purchaser of this property and , therefore, in order to protect his interest he prayed to add him as defendant in this suit.

3. Plaintiff filed his say contending that sale deed executed in favour of third party applicant by defendants, are

totally illegal. Yet partition is not effected between plaintiff and predecessors of third party applicant. These sale deeds are also executed during pendency of suit and hence same are hit by principle of lis pendency. Therefore, he prayed for rejection of application.

4. Heard both sides and gone through the record. It is needless to say that sale deeds executed during the pendency of suit, is not void ab initio but outcome of suit, is binding on purchaser. This is a suit for perpetual injunction in respect of the property, from which some part is purchased by third party applicant herein. Therefore, whatever decision will be passed in this suit, definitely affect on the interest of third party applicant and hence in order to protect his interest, he should be made defendant in this suit. No any loss or prejudice will cause to plaintiff, if third party applicant is added as defendant. On the contrary, his presence will help the Court to decide this matter on merit. Third party applicant has purchased part of suit property and thus he is necessary party to present suit. In result, I pass following order.

### **ORDER**

- (1) Application is allowed.
- (2) Third party applicant namely Kirankumar Jayprakash Yadav be added as defendant No. 9 in

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this suit.

- (3) Plaintiff shall carry out necessary amendment in the plaint and shall supply amended copy on record on or before next date.

Sd/-

**( K.G. Sawant )**

Civil Judge Senior Division,

**Jaysingpur.**

Dt.: 05.01.2019.

