

MHKO070012942014



**REGULAR CIVIL SUIT NO. 225/2014**  
**( Sou. Sunanda Balol - Vs. - Sou. Suvarana Aalmane & Ors. )**  
**ORDER BELOW EXH. 33**

This is an application by plaintiff under Order I Rule 10 of The Civil Procedure Code. Say of defendants was called for. But they have not filed any say.

**02.** Perused application as well as record and proceeding. Heard learned advocate Shri Shaikh for plaintiff.

**03.** The suit is for declaration, partition and separate possession of suit property. Originally suit was filed against 6 defendants and record shows that before filing of the suit defendant No. 6 had expired and therefore, the suit abated against him. According to plaintiff proposed defendant Nos. 11 to 13 are legal representatives of defendant No. 6 and therefore they are necessary parties. It is also further contention of plaintiff that proposed defendant Nos. 7 to 16 have obtained a fraudulent compromise decree from the Court in RCS No. 129/2021, and therefore, those persons are necessary parties to the suit and after they are being arraigned in the suit as necessary parties, plaintiff is intending to seek additional relief regarding declaration about decree passed in RCS No. 129/2021.

**04.** To support his contention learned advocate for plaintiff relied on ratio laid down by Hon'ble Apex Court in **Pankajbhai Rameshbhai Zalavadia - Vs. - Jethabhai Kalabhai Zalavvadiya (Deceased) through Legal Representatives & Ors.(2017) 9 SCC 700**, it is laid down that even though suit is filed against deceased person, his legal representatives can be brought on record

as necessary parties as per provisions of Order I Rule 10 of The Civil Procedure Code.

**05.** In the light of all the abvoesaid, I am of the view that application deserves to be allowed. Accordingly, following order :-

**ORDER**

1. Application is allowed.
2. Permission is given to plaintiff to arraign proposed defendant Nos. 7 to 20 as necessary parties to the suit.
3. Plaintiff is directed to carry out suitable amendment in the plaint and also to file amended plaint on or before next date.
4. After compliance of all the abovesaid by plaintiff, summons be issued to defendant Nos. 7 to 20.
5. Failure of compliance by plaintiff of any of the abovesaid, will automatically result into rejection of application.

Sd/-

( **Anand D. Karbhajan** )

Joint Civil Judge Junior Division,  
Jaysingpur, Tal. Shirol, Dist. Kolhapur.

Place - Jaysingpur.  
Date - 08/11/2023

**Note** - The validity of digital signature of Presiding Officer has expired.

**-: Certificate :-**

I affirm that the contents of the P.D.F. file judgment / order are same, word to word, as per the original judgment / order.

Name of Stenographer	Mrs. Pallavi V. Sasane
Name of Court	Jt. CJJD & JMFC, Jaysingpur, Tal. Shirol, Dist. Kolhapur.
Date of Decision	08/11/2023
Judgment / Order signed by the P.O. on	08/11/2023
Judgment / Order uploaded on	09/11/2023