

MHKO070015712021



Sou. Jayashri Ashok Maskar
V/s.
Shri. Sadanand Bapu Kadam and others

ORDER PASSED BELOW EXH. 28

1] Perused the application and sya of other side. Heard both sides. Gone through record. The suit is for partition, declaration and injunction. According to plaintiff, defendant No.1 to 4 have obtained loan from a Co-operative society, i.e. proposed defendant No.7, on suit property. According to plaintiffs, said loan is ot binding on them as it is obtained by creating security on undivided share of them in suit property. Hence, the said financial institution be joined as defendant No. 7 for proper and final adjudication of suit on merits.

2] Defendant has objected the application on the ground that, it is nothing but delatory tactic of plaintiff. They contended that, application is not tenable hence be rejected.

3] I have gone through record, in my opinion considering nature of suit claim, for avoiding multiplicity of proceedings and for

avoiding unnecessary complications during the trial as well execution of decree passed, if any, the proposed defendant No.7 is needed to be joined as being proper party. If it will be joined, no any injustice is going to be caused to plaintiff. On the contrary, suit will be decided fully and finally. Hence, I proceed to pass following order.

O R D E R

- (1) Application Exh. 28 is allowed as prayed.
- (2) Plaintiff to carry necessary amendment on or before next date.
- (3) After amendment, supply amended copy to court.
- (4) Defendants are at liberty to carry consequential amendment in their written statement if they desire but only to the extent of plaintiffs amendment.

Date –11/08/2022.
Jaysingpur.

(B.A. Gaikwad)
Civil Judge, Senior Division,
Jaysingpur.