

**MHKO120001682009**



**Reg.Civil Suit No.35/2009**

**(CNR No.MHKO120001682009)**

**Order below Exh.167**

Perused the application and say of plaintiff. Heard both sides.

2. Third party-Raman Chandulal Patel filed this application under Order 1 Rule 10 of Code of Civil Procedure (Hereinafter C.P.C.) to add him as a defendant in this suit. According to him, he has purchased Gat No. 963/2 from Gaurav Khapare and others by virtue of register sale deed 246/2016 dated 25/02/2016. He submitted that he is necessary party in this suit. On the contrary the plaintiff has filed say below Exh. 172. According to the plaintiff, Gaurav Khapare and others have added in the capacity of defendants. Third party Raman Patel has not taken any action against the plaintiff despite of purchasing the share in Gat No. 963. The plaintiff submitted to rejected the application.

3. I consider submissions of both sides Order 1 Rule 10 of C.P.C. gives power to the Court to add a party whose presence is necessary for adjudication of the matter. It is important to note that the plaintiff have not disputed the transaction between Gaurav Khapare and third party-Raman Patel. But, according to

the plaintiff the action ought to be taken by third party. However, It is important to note that the name of third party has mutated upon 7/12 extract vide mutation entry No. 9795. The said transaction was took place in the year 2016. It also shows the silent attitude of the plaintiff to neglect the activities happened in respect of suit properties. Be that it may, third party has purchased share in the suit property. His presence is necessary for adjudication of the suit. No serious prejudice would cause to be plaintiff by allowing application. Hence, I pass following order.

**ORDER**

1)	The application is allowed.
2)	The plaintiffs shall carry out amendment within 14 days from today and file amended copies on next date.

Date : 24/02/2025

**( V. V. Kulkarni )**  
Civil Judge Junior Division,  
Gargoti