



Saraswati Bedkyale Vs. Mahadev Bedkyale etc.

CNR - MHKO130007162009

ORDER BELOW EXH. 106 IN R.C.S.No. 167/2009

1. It appears that this application is filed by plaintiff under Order 1 Rule 10 of Code of Civil Procedure to add third party purchaser as a defendants in the suit.

2. According to plaintiff, this suit is filed for partition and perpetual injunction. According to plaintiff, defendants have sold the suit property to third party referred in the application. According to plaintiff, if they are not added as defendants, she will deprive her rights in the suit property. It is pleaded that, if the proposed defendants added in the suit, it will help the Court for its just decision on the merit. Rather it would not cause any prejudice to the defendants. Hence, it is prayed by this application to add them as defendants.

3. This application is strongly opposed by learned advocate of defendants by specific say filed below Exh. 107 contending that, contents of application are false and bogus. According to defendants, entire application is false and without proof of documents. Further, there are no ground for addition of third party applicants and this application is filed just to prolong the matter. According to defendants, by such addition nature of suit will change, hence the plaintiff should not be permitted to add them as defendants. Therefore, urged to reject the application with costs.

4. Perused the record. Heard learned advocate of both the parties.

5. The application is supported with affidavit. Considering, provision of Order 1 Rule 10 Sub Rule 2 of C.P.C., Court may add

parties whose presence before Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settled all the questions involved in the suit. Thus, in view of nature of suit and proposed party being stranger purchaser with above referred proviso of C.P.C., this application is allowed in the interest of justice. The plaintiff is directed to add proposed third party as defendant no. 11 to 13 in the suit and shall submit amended plaint on or before next date. After submitting amended plaint summons be issued to proposed third party as defendant no. 11 to 13. No order as to costs.

Kagal
Date:- 02/12/2024

(B.D.Gore)
Civil Judge Junior Division,
Kagal.