

Order passed below Ex.75 in Regular Civil Suit No. 8/2008

This is an application moved by the plaintiff under Order 1 Rule 10(2) of the Code of Civil Procedure.

2 Heard. Perused the application and say vide Ex.77. Plaintiff contended that, she instituted the suit for partition and separate possession. However, during the pendency of suit Manohar Santaram Dhupdale and Nayansukh Santaram Dhupdale sold the suit property Gat No.754 by executing sale deed dated 22/3/2013 to Altaf Kutubuddin Patil. Hence, plaintiff wants to add as proposed defendant Nos.7 and 8 to Manohar Santaram Dhupdale and Nayansukh Santaram Dhupdale. Hence the application.

3 Defendant resisted the application by filing say vide Exh.77. Defendant contended that plaintiff has filed the suit in the year 2008 and the plaintiff in spite of having knowledge that the sale deed of suit property executed in the year 2013 had not moved the Court at the earliest possible opportunity. Hence, at this stage the application is not maintainable. Hence, the application is liable to be rejected.

4 However, the plaintiff has filed the photo copy of sale deed along with list Ex.83/5. The perusal of photo copy reveals that, the suit property bearing Gat No.754 was sold by Manohar Santaram Dhupdale and Nayansukh Santaram Dhupdale to Altaf Kutubuddin Patil by executing sale deed dated 22/3/2013. Hence, it appears that the alleged vendor-purchaser have interest in the suit property. Therefore, in the absence of purchaser-vendor the suit cannot be completely adjudicated. Hence, I hold that the application deserves to be allowed.

Hence I proceed to pass the following order.

O R D E R

- 1 Application is allowed.
- 2 Plaintiff is permitted to add Manohar Santaram Dhupdale, and Nayansukh Santaram Dhupdale and Altaf Kutubuddin Patil as defendant Nos. 6 to 8 in title clause of the plaint.
- 3 Plaintiff is further directed to file the copy of plaint. Failure to comply the above order, the application shall deemed to be rejected.

Date: 01/07/2017.

Sd/-
(M. D. Thombare)
Civil Judge, Junior Division,
Chandgad.

CERTIFICATE

I affirm that the contents of this P. D. F file Judgment/Order is same, word to word, as per the original Judgment/Order.

Name of the Stenographer	Shri. V. L. Tatkod, L. G. Stenographer.
Name of Court	Shri. M.D. Thombare, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	01/07/2017
Judgment/Order signed by the P. O. on	01/07/2017
Judgment/Order uploaded on	01/07/2017