

	<p style="text-align: center;"><u>ORDER BELOW EXH. 64 IN R.C.S. NO. 55/2013</u></p> <p style="text-align: center;">Smt. Yallubai Ganpati Ambewadkar Vs. Sou. Bebi Ananda Ambewadkar</p>
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This is the suit for declaration and perpetual injunction. By application filed at Exh. 64 vide Order I, Rule 10(2) and Order VI, Rule 17 of Code of Civil Procedure, 1908 (*Hereinafter referred to as 'the Code'*), plaintiffs have prayed for impleadment of one person namely, Shri. Nayku Shivappa Ganeshgol, Age- 50 yrs, R/o. Channeti, Tal. Chandgad as defendant No. 9 in the suit. In the application it is contented that, in this suit, this Court has already passed the order on Exh. 5 and thereby restrained defendant No. 8 from trespassing upon the suit property and disturbing the plaintiffs peaceful possession of the suit property till disposal of the suit. However, the defendant No. 8 by applying threats on the plaintiffs, has taken away sugarcane crop standing in the suit property and supplied it to Olam sugar factory, Rajgoli Khurd in the name of his friend Nayku Shivappa Ganeshgol and received payment from the said sugar factory against the supplied sugarcane crop. Actually, Nayku Shivappa Ganeshgol has no right to receive the said payment from the sugar factory. In order to recover the said amount, impleadment of Nayku Shivappa Ganeshgol in the present suit is necessary, otherwise the plaintiffs will suffer a heavy and irreparable loss. With these submissions the plaintiffs have prayed accordingly. The application is supported with affidavit of plaintiff No. 1 Smt Yallubai Ganpati Ambewadkar.

2. The ld. Adv. of the defendant No. 8 has filed his say on bottom of the application itself, and prayed to reject the application with costs.

3. Heard Adv. Shri. N.G. Ajarekar for plaintiffs and Adv. Shri. S.N. Fagre for defendants at length.

4. It is pertinent to note that, the present suit is for declaration and perpetual injunction. It is needed to be embossed here that, the suit is not for recovery of money. No doubt, the Court as ample power vide Order I, Rule 10(2) of the Code of Civil Procedure, 1908, to add or strike out name of any party in the suit at any stage. However, while adding any person in the suit as a party, the purpose of such adding must be to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit. If the ground mentioned in the application for adding of party is seen, it can be gathered that, just to enable the plaintiffs to recover the amount in question from the proposed person, his impleadment in the suit is sought. By careful scrutiny of the record, considering pleadings and counter pleadings and issues involved in the suit either directly or indirectly, presence of the proposed person is at all not required in the suit to adjudicate the suit effectually and completely and also to settled the questions involved in the suit. Therefore, this Court is of a constrained view that, impleadment of the proposed person in the suit is at all not necessary. As such, the application is devoid of merits and is liable to be rejected. In the said backdrop, I proceed to pass following order.

ORDER

Application at Exh. 64 stands rejected.

Costs in cause.

Date : 17/01/2022

(Amrit C. Birajdar)
Civil Judge, Jr.Dn., Chandgad.

CERTIFICATE

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

Name of the Stenographer	Shri. P.W.Ghodekar, L. G. Stenographer.
Name of Court	Shri. A. C. Birajdar, Civil Judge, Junior Division and Judicial Magistrate, First Class, Chandgad.
Date of Dictation	17/01/2022
order signed by the P. O. on	17/01/2022
order uploaded on	20/01/2022