


MHKO140009822021 	<b>ORDER BELOW EXH.21 R.C.S. NO.140/2021</b> <b>Laxman Gundu Kadolkar</b> <b>Vs.</b> <b>Shriram Nagesh Inamdar</b>
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This application filed by applicant under Order 1 Rule 10 of Civil Procedure Code for adding him to the present suit. It is submitted that by the applicant that the suit property was previously owned by the earlier owner of applicant i.e. Bhauk Kotekar and the possession of the part of the suit property is in the possession of the applicant and he is cultivating the said suit property which is in his possession. The plaintiff have concealed all these facts in the present suit. The previous owner Bhauk Kotekar have given authority letter to deceased Nagesh Inamdar which is well known to the present plaintiff but still he did not add the present applicant in the suit. The applicant by virtue of authority letter dated 23/07/2001 is having right in the suit property. Hence, he is necessary party in the present suit. Hence, the present application.

2. The plaintiff opposed the present application by filing his say below Exh.32 and contended that the applicant is having no right over the suit property and there is no authority of the applicant over the suit property by the so called authority letter. The application is not tenable and hence be rejected.

3. The defendant also filed his say below Exh.33 and contended that, there is no authority letter in favor of the applicant. In fact the so called letter dated 23/07/2001 is false one and is having no force in the eye of the law. There is no description of the property in the said letter. Said letter is not registered and hence by said letter the applicant is having

no right over the suit property. He further submitted that, the applicant is not at all necessary party in the present suit. Hence, the application be rejected.

4. Perused application and say of the plaintiff and defendant. It is seen that the applicant is praying for adding him as party to the present suit. As praying so on the so called authority letter dated 23/07/2001. Further, it is seen that as pointed out by the defendant said letter is not registered and is only on the stamp of Rs.20. Hence, said letter does not confirm any right upon the applicant. There is no proper description of the property in the said letter. Hence, it is seen that the applicant is not at all a necessary party to the present suit. If he is having any grievance against the plaintiff and defendant he is at liberty to file separate suit for the same. Further, the present application is filed on 8/08/2022 i.e. after 10 months of the filing of the suit. Hence, the delay is also not mentioned by the applicant for filing the present application. Hence, under such circumstances the present application is not tenable. Hence, following order is passed.

### **ORDER**

Application is rejected.

Date : 18/03/2025.

( V. S. Agarwal )  
Civil Judge Jr. Div., Chandgad.