

COMMON ORDER BELOW EXH- 21 & 22.

Third party applicants have filed these application under order I rule 10 and Sec. 151 of C. P. Code. It is contention of third party applicant Prakash that, he was party to the R. C. S. No.1/1991. Non-applicant no.1 is his father and non-applicant no.6 is his mother. The R. C. S. No.1/1991 has been filed by him and non-applicant no.6. As per amended provision of Hindu Succession Act, his sister has opposed the finding of R. C. S. No.1/1991 and claimed her right by filing R. C. S. No.66/2022. Applicants intentionally has not array him non-applicant in present proceeding. In R. C. S. No.1/1991 Hon'ble court has grated 3/32 share to him. Therefore, for avoiding multiplicity and finding prayed to allow his application.

2. As same applicant Megha contended that, applicants have filed this application for amendment of decree. The present non-applicant no.1 & 6 are her parents. Applicants have filed this application by relying over change legal position. She has opposed the finding of R. C. S. No.1/1991 along with some other properties through R. C. S. No.66/2022. The applicant no.1 is array as defendant no.11 in said suit. Her valuable legal rights are involved in present proceeding. After decision of R. C. S. No.1/1991 some transaction had been completed and new records created. Applicants by suppressing all facts filed this application to affect her right. Thus, prayed to allow her application.

3. Counsel for applicants filed say over back-leaf of both applications and opposed. As per contention of applicants, applicant Prakash is not necessary party for the proceeding and the same applicant Megha is not

party to the main proceeding. Thus, both neither necessary nor required party for the proceeding. Thus, prayed to reject the applications.

4. I have heard counsels for both sides at considerable length. This is an application for amendment of decree which not yet executed. As per proceeding of R. C. S. No.1/1991, the applicant Prakash and non-applicant no.6 had filed the suit and Prakash had allotted 3/32 share in suit property. Further, at the time of filing said suit, applicant Megha is not legally entitled to claim share in suit property. However, as per amended Hindu Succession Act, 2005 and precedent cited by *Vinita Sharma* case Megha is entitled to share in suit property.

5. Admittedly, on ground of amended legal provision, applicants have filed this application for amendment of decree. As per Order 1 rule 10 of C. P. Code, necessary party in his absence no finality would be obtain to order. In present proceeding, applicant Prakash is one of the party of R. C. S. No.1/1991 and applicant Megha entitled to claim share due to change in legal provision. Both applicants are necessary party for the final decision of application in their absence present application would not be obtain finality and it would invite multiplicity of proceeding. Therefore, present applications deserved to be allowed. Hence, I pass following order,

ORDER

1. Applications stand allowed as under.
2. Applicants are directed to array present third party applicants as non-applicant no.7 & 8 in present proceeding and permitted to carried out necessary amendment for the same.

3. After compliance of order, present applicants have filed their say within permitted time limits.
4. Applicants comply order and parties to take note.

Place- Ajara.
Date- 27.10.2025.

(R. P. Thore)
J.O.Code No.MH02897
Civil Judge, Junior Division,
Ajara.

