

MHKO180005022025

Reg. Civil Suit No.104/2025.

Ashok Maruti Vaske & Ors.

Versus

Dilip Maruti Vaske & Ors.

Order below exhibit 13.

This is an application filed by the plaintiffs under Order 1 Rule 10 of Civil Procedure Code for adding Block Development Officer (BDO), Gram Sevak of Grampanchayat Nrusinhwadi as a party to the suit.

02. It is the contention of plaintiffs that, they have filed this suit for partition, declaration and injunction against defendants. Defendants have threatened to BDO and Gram Sevak for changing the Assessment Extract of suit property. Therefore, BDO and Gram Sevak threatened to plaintiff No.1A who is old age widow. It is also contention of plaintiff that if the BDO passes any order regarding assessment of suit property under the pressure from the defendant plaintiff will suffer irreparable loss and complication will arise in suit. Hence, they prayed for adding them as necessary party to plaint and temporary injunction application below Exh.5.

03. Defenants have filed pursis Exh.21 and stated that Say filed at Exh.20 should be read as say to this aplication. In their Say filed at Exh.20 they submitted that, managing entries of assessment extract are conducted according to Gram Panchayat Rules. Court cannot intervene in its business. Revenue records are managed through government administration, whereas court

procedure is totally different system. It is unbelievable that plaintiff is a old aged widow when she purchased a property of lakhs of rupees and runs a hotel by constructing a four storied building over that land. By filing such applications plaintiffs are preparing false record in their favour. Proposed parties are not necessary parties they are not related to the suit anyway. Hence, defendants prayed to reject the application.

04. Perused the application and Say. Heard both sides. Perused the record, written notes of arguments.

05. Order I rule 10 of Civil Procedure Code provides for addition, substitution and deletion of parties which runs as under :

10. Suit in name of wrong plaintiff

(1) Where a suit has been instituted in the name of the wrong person as plaintiff or where it is doubtful whether it has been instituted in the name of the right plaintiff, the Court may at any stage of the suit, if satisfied that the suit has been instituted through a bona fide mistake, and that it is necessary for the determination of the real matter in dispute so to do, order any other person to be substituted or added as plaintiff upon such terms as the Court thinks just.

(2) Court may strike out or add parties.—The Court may at any stage of the proceedings, either upon or without the application of either party, and on such terms as may appear to the Court to be just, order that the name of any party improperly joined, whether as plaintiff or defendant, be struck out, and that the name of any person who ought to have been joined, whether as plaintiff or defendant, or whose presence before the

Court may be necessary in order to enable the Court effectually and completely to adjudicate upon and settle all the questions involved in the suit, be added.

(3) No person shall be added as a plaintiff suing without a next friend or as the next friend of a plaintiff under any disability without his consent.

(4) Where defendant added, plaint to be amended.—Where a defendant is added, the plaint shall, unless the Court otherwise directs, be amended in such manner as may be necessary, and amended copies of the summons and of the plaint shall be served on the new defendant and, if the Court thinks fit, on the original defendant

(5) Subject to the provisions of the Indian Limitation Act, 1877 (XV of 1877), section 22, the proceedings as against any person added as defendant shall be deemed to have begun only on the service of the summons.

06. It is well settled principle that all the parties who have property right shall be impleaded in the suit and due opportunity of hearing is required to be given to them. This is a suit for partition, declaration and injunction. According to the plaintiffs defednants are pressurizing the BDO and Gram Sevak of changing the Assessment Extract of suit property. If the BDO and Gram Sevak change the assessment extract of suit property the plaintiff will suffer irreparable loss and will cause mutltiplicity of proceedings. If BDO and Gram Sevak of Gram Panchayat Nrusinhwadi threatens the plaintiff then she should file a complaint with concerned police station or raise her greivance before the appropriate competent authority. In this suit BDO and

Gram Sevak are not the co-sharer in this suit property. So no relief is claimed against them. According to the plaintiffs only defendants are the co-sharers of suit property and are disturbing the possession. Hence, plaintiffs wanted relief of injunction, partition only against defendants. As no relief has been claimed against BDO and Gram Sevak of Gram Panchayat Nrusinghwadi. Therefore, I find no substance in the application that they are necessary party or proper party to the suit. Thus, in view of aforesaid discussion, I find no substance in the application, accordingly I pass following order:-

ORDER

Application Exh.13 stands rejected

Place : Kolhapur.

(V. R. Mane)

Date : 03/07/2026.

Jt. Civil Judge Jr. Dn., Kurundwad.