

	<u>Order below Exh.12 in Reg. C. S. No. 02/2023</u> (Passed on this 10th day of August 2023) <u>Ashabai & Ors. Vrs. Najmuanbee & Ors.</u> CNR NO.MHLA060000022023
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01. This is an application filed by plaintiffs for impleadment of the party as defendant in the suit under Order 1 Rule 10 of Code of Civil Procedure (Hereinafter referred as 'C.P.C.') and consequential amendment in the plaint under order VI Rule 17 of the C.P.C.

02. Plaintiffs have submitted that, they have filed the suit for declaration of ownership and perpetual injunction against defendant. Now is pending for appearance. According to plaintiffs during the pendency of suit, defendant No.01 has executed registered sale deed bearing D.B.No.499/2023 dated 27/02/2023 of the suit land in favour of Suresh Pandurang Kamble (for short 'proposed party'). As the transaction between the defendant No.01 and proposed party is during pendency of suit. However, the relief claimed by the plaintiff is in respect of suit land. Therefore, the subsequent purchaser is necessary party in order to proper adjudication of the suit. Hence, he is necessary party to suit as defendant No.04. Therefore, they have prayed for allow the application.

03. On the contrary defendant No.03 has not filed the say on present application. I heard Ld. Advocates of the plaintiffs. Perused the application, and documents placed on record with application i.e. xerox copy of sale deed. Present suit is for declaration of ownership, it is necessary to the adjudication of the matter and in order to avoid the multiplicity of judicial proceeding. Proposed party is necessary and

proper party to the suit.

04. Undoubtedly, when presence of proposed defendant is necessary for complete and effective adjudication of dispute and decree can not be passed in absence of proposed defendant. It shall be deemed to necessary party within the meaning of Order 1 Rule 9 of the C.P.C. As discussed earlier, proposed defendant is necessary party. He need to be impleaded as defendant No.04. No prejudice is likely to be caused to the existing defendant. Hence, I pass the following order.

ORDER

1. Application at **Exh.12** is allowed and Proposed defendant be impleadment in the suit as defendant No. 04.
2. The plaintiffs shall make necessary amendments in the plaint and file amended copy of the plaint within fourteen days from today vide order VI rule 18 of the Code of Civil Procedure.
3. The plaintiffs Shall take necessary step for appearance of defendant No.04.
4. The plaintiffs shall provide the copies of amended plaint to defendants.

(Dictated and pronounced in open Court)

Place : Ahmedpur.

Date:- 10.08.2023.

(Shyam S.Tondchire)
IIIrd Jt. Civil Judge, Jr. Division,
Ahmedpur.