

MHLA110001792025



**Order below application vide Exh.16 vide Order I Rule 10 of the Code of Civil Procedure in Spl.CS No.17/2025**  
**Suryakant Vs. Prakash**

Perused contents of the application and say of proposed defendant thereon. The present defendant failed to file his say below the present application. Heard to both sides.

2. The application discloses that during the pendency of the suit, the defendant illegally sold 51 R area out of the suit property to proposed defendant Faruk Ahemad Abdul Khadar Deshmukh. At present, said proposed defendant became necessary party to the present suit. Therefore, the plaintiff lastly prayed to add said proposed defendant as defendant No.2 in the present suit. Said proposed defendant contended that the present application is beyond the scope of law. The said proposed defendant legally purchased the said portion of the suit property and accordingly legally executed and get registered its sale deed. Therefore, the said proposed defendant prayed to reject the application.

3. The suit is for specific performance of contract. The plaintiff is seeking relief for getting executed the sale deed on the basis of alleged agreement. Furthermore, the plaintiff seeking relief of perpetual injunction restraining the present defendant from alienating the suit property. However, said portion of the suit property has alleged to have been alienated to the said proposed defendant. The present suit is proceeded further without written statement of the present defendant. To decide the real controversy between the parties finally on

merits and to avoid the multiplicity of the suits and proceedings, it will be just and proper to add the said proposed defendant in the present suit as a party.

4. Moreso, from the material available on record it makes clear that the portion of the suit property has been sold during the pendency of the suit to the proposed defendant. Considering the grounds stated in the application and aforesaid facts, proposed defendant is necessary party to the suit. So also in his absence effective order cannot be passed. Hence, I pass following order:-

**ORDER**

1. Application is allowed.
2. The plaintiff is permitted to add Faruk Ahemad Abdul Khadar Deshmukh as defendant No.2 by carrying out necessary amendment in the title clause of the plaint.
3. No order as to costs.

Date :29/07/2025

(R.V. Pande)  
Civil Judge (Sr.Dn.),  
Nilanga, Dist. Latur.