

MHLA110001872021



ORDER BELOW EXH.34 IN
REGULAR CIVIL SUIT NO.193/2021
MEENA VS. TAHASILDAR & ORS.

1. This is an application under Order I Rule 10 of the Code of Civil Procedure, 1908.
2. Read the application and say filed thereon. Heard the Learned Counsel for both sides.
3. This application is filed by plaintiffs contending that, they have filed this suit for perpetual injunction and for setting aside the order and judgment of Tahasildar against defendant No.1 to 8. However, defendant No.6 Sudhakar has allotted 48 R land out of Survey No.34/B to his son Anil and 47 R land to Maruti by way of partition-deed. The mutation No.1474 is allowed and the name of Maruti and Anil is recorded in 7/12 extract. Therefore, it is necessary to add them as defendant No.9 and 10. If the proposed defendants are added, nature of suit will not be changed and no prejudice would be caused to defendants. Hence, it is prayed to implead them as defendants in the present suit.
4. Defendants resisted the application and prayed to reject the application.
5. Plaintiffs have filed this suit for perpetual injunction and for setting aside the order and judgment of Tahasildar against defendant No.1 to 8. On perusal of document produced on record it appears that, defendant No.6 has partitioned his property between his two sons by M.E.No.1474. Therefore, it is seen that their presence is necessary for complete and effective adjudication of the dispute and without whom no effective decree can be passed. If the proposed defendants are added in the present suit, nature of suit will not be changed and no prejudice would be caused to defendants. Thus, it will be just and proper to implead proposed defendants in the present suit as defendant No.9 and 10.

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7. In view of the above said discussion, application deserves to be allowed. Hence, I pass the following order.

ORDER

- 1) Application at Exhibit No.34 is hereby allowed.
- 2) Plaintiffs are directed to implead Maruti Sudhakar Jadhav (Barhanpure) and Anil Sudhakar Jadhav (Barhanpure) in the present suit as defendant No.9 and 10 and to carry out necessary amendment in the title clause of the plaint till next date, without any fail.

Nilanga
Date:- 02/07/2025

(Smt. V. D. Bhosale)
Jt. Civil Judge, Sr. Dn., Nilanga.