

MHLA110000922014

Order below application vide Exh.92
in R.C.S. No. 16/2013
Sou. Reshma Vs. Baburao

Perused contents of the application, affidavit vide Exh.93 and say thereon. Heard to learned advocates for the parties. They submitted contents of the application and say thereon. Perused the record.

2. By this application, the applicants namely Vishnu Shesherao Mohite, Surayya Ismail Patel, Ayasha Ismail Patel, Imran Ismail Patel, Irfan Ismail Patel, Sultan Ismail Patel and Rajkumar Kadajirao Somwanshi are seeking to add them as defendants No.2 to 5 on the ground mentioned in the application. The plaintiff contended that, the sale deeds have been executed in year 2009. The suit is filed in year 2013. The purchasers slept over their rights for twelve years. Purchaser Ismail expired. Right to sue does not survive against his legal representatives. The suit is filed for declaration of ownership and possession from defendant No.1. Therefore, the presence of the applicants is not necessary. The application devoids of merits. Therefore, the same may be rejected.

3. However, say of the plaintiff and the defendants as aforesaid itself reveals that, Ismail Patel who expired had purchased the property and the applicants slept over their

rights. That by itself indicates that, at this stage, the plaintiff is aware of fact that, the purchasers have rights even if they are slept over thereon and deceased Ismail Patel was also one of the purchaser. Moreover, the applicants filed certified copies of the sale deeds bearing registration Nos.358/2010 and 2045/2011, which prima-facie reveal that applicant Vishnu Mohite and deceased Ismail Patel purchased the property out of Block No. 36/C and 35/B. The suit is for declaration of the plaintiff's ownership to the land ad-measuring 23 R out of Block No.35/B and land ad-measuring 35 R out of Block No.36/C and recovery of it's possession from the present defendants. As aforesaid, applicants Vishnu Mohite and deceased Ismail Patel purchased some portion of the suit property. Legal representatives of deceased Ismail and Vishnu Mohite applied to add them as parties to the present suit. Considering the material available on record and aforesaid facts, it reveals that the applicants have interest in the subject matter of the suit. Considering the nature of the suit, reliefs sought for, and aforesaid facts it makes clear that, presence of the aforesaid applicants is necessary for effective adjudication of the real matter in dispute. Moreover, adding the said applicants as parties to the present suit would be helpful to avoid multiplicities of the suit and resolve all related questions. In such circumstances, application vide Exh.92 will have to be allowed. Hence, in the interest of the justice, I pass following order.

ORDER

1. The application vide Exh.92 is allowed as prayed.
2. The plaintiff is hereby directed to add the said applicants as defendants No.2 to 5 in the present suit and carry out the amendment in that regard.

(R. V. Pande)
Date :13/01/2026 Civil Judge, Senior Division, Nilanga,
Place: Nilanga District Latur.