

**Order below Exh.15 in Spl.C.S. No.13/2019**

**CNR NO.MHLA11-000683-2019**

**(Prabhawati Vs. Ashok.)**

This is an application filed by applicant Vimal Hattarge for addition as defendant under Order 1 Rule 10 of Code of Civil Procedure.

(2). The present suit is filed by plaintiff for specific performance of contract in respect of property mentioned in plant para No.1. According to plaintiff, defendant has executed agreement to sell in her favour. Present applicant contended that defendant is mentally ill person. By taking this advantage plaintiff has got executed agreement to sell in her favour. This applicant have interest in the suit property. Hence, this application.

(3). Plaintiff has filed her say and contended that the present application is not tenable and requires to be rejected with costs. Further plaintiff contended that the present applicant is not the coparcner of defendant's family. She is not necessary party to the present suit. Hence prayed for rejection of the application.

(4). Heard both the sides. Perused record. The settled law of land in regard to Order 1 Rule 10 of Code of Civil Procedure is that the necessary and proper parties should join the lis. The necessary party is the party without which no effective decree can be pass. Furthermore, the proper party is the party whose presence may help the Court in the adjudication. In present case present applicant is the wife of defendant and she have some interest in the suit property. Therefore, without adding this applicant as a proposed defendant as a party the final adjudication is not possible. Proposed defendant is the necessary party to the present suit. Therefore, I pass following order.

**Order**

- (1) Application is allowed.
- (2) Plaintiff is directed to add Vimal Ashok Hattarge as a defendant within 14 days from today.

Nilanga.  
Date:-04/01/2022.

(K.S.Suryawanshi)  
Civil Judge Sr.Dn., Nilanga