

MHLA110007822018



Order below Exh.157 in RCS No.178/2015

Ugrasen Vs. Bhanudas

This is an application filed by plaintiff under Order I Rule 10 CPC for addition of parties on the grounds stated in the application. The contents of application in short are:- that the plaintiff has filed this suit for partition and separate possession. That the plaintiff has one brother namely deceased Shamrao Sadashiv More, however, because of oversight he was not added as party to the suit. Defendants in their WS have raised objection regarding this and therefore, it is necessary to add the legal heirs of deceased Shamrao Sadashiv More as party to the suit. Hence, the application.

2. Defendant Nos.1 to 3 have filed their say and raised objections on several grounds. Proposed defendant No.9/2 also raised objections. Proposed defendant Nos.9/1 and 9/3 i.e. legal heirs of deceased Shamrao Sadashiv More failed to file their say. Perused application and say. Heard learned advocate Shri.G.G.Hadole for plaintiff, learned advocate Shri U.S.Jadhav for defendant Nos.1 to 3 and learned advocate Shri P.L.Narhare for proposed defendant No.9/2.

3. Record shows that plaintiff has filed this suit for partition and separate possession. Defendant Nos.1 to 3 have filed their WS at **Exh.40** and defendant No.6 has filed his WS at **Exh.90** on 20/03/2019. In para No.2 of his WS at **Exh.90**, defendant No.6 has categorically stated that deceased Shamrao Sadashiv More was son of Vatsalabai, and he has two daughters and one son as his legal heirs. Despite this, plaintiff has not moved such application at the earliest possible opportunity. This application is moved by plaintiff on 13/08/2024. There is delay of approximately more than three years after deducting the period of Covid – 19 pandemic. This delay can be compensated by imposing cost upon plaintiff. However, considering the nature of suit and reliefs sought the presence of legal heirs of deceased Shamrao Sadashiv More is necessary for just decision of the suit. Hence, I pass following order :-

ORDER

1. Application is allowed subject to cost of Rs.3,000/- to be payable by plaintiff to defendant Nos.1 to 3 and Rs.1,000/- to be payable to proposed defendant No.9/2.

2. After payment of cost amount and its acknowledgment by concerned parties, plaintiff will be permitted to add proposed defendants as parties to the suit.
3. Plaintiff shall carry out necessary amendment in the title clause of the plaint.
4. Plaintiff shall provide copy of amended plaint to the Court and defendants.
5. After adding proposed defendant Nos.9/1 to 9/3 as parties to the suit, suit summons be issued against them.
6. No order as to costs.

Date : 21/01/2025

(Ashish B. Marlecha)
Civil Judge (Sr.Dn.),
Nilanga, Dist. Latur.