

Order below Exh.72 in RCS No.347/2016

This is an application filed by defendant No.1 under Order I Rule 10 CPC for adding her son namely Reyansh Sachin Patil, through his guardian i.e. his mother defendant No.1, as defendant No.3, on the grounds mentioned in the application. Plaintiffs have raised strong objections on several grounds. Perused application and say. Heard both the sides.

2. Record shows that plaintiffs have filed this suit for perpetual and mandatory injunction. Defendant No.2 Company has filed its WS at **Exh.32** on 03/07/2018. Issues came to be framed at **Exh.46** on 16/01/2020. However, defendant No.1 who is daughter-in-law of plaintiff No.1 and sister in law of plaintiff No.2 moved an application vide **Exh.64** for setting aside No WS order dated 24/03/2017 and it came to be allowed by order dated 12/04/2024. Accordingly, the WS filed by defendant No.1 is duly marked at **Exh.66**. The proposed defendant is son of defendant No.1 born out of her wedlock with deceased Sachin Patil who was son of plaintiff No.1 and brother of plaintiff No.2. From the nature of suit it appears that some of the mandatory benefits belonging to deceased Sachin Patil were availed by defendant No.1, who is widow of deceased Sachin Patil, and to prevent her from utilizing these funds the plaintiffs have sought relief of perpetual injunction.

3. The proposed defendant i.e. Reyansh is son of deceased Sachin Patil and defendant No.1 and he too has his separate undivided share in the said amount belonging to deceased Sachin Patil and to protect his interest in the said amount is the duty of this Court. Taking into consideration this aspect and nature of suit, in my opinion, the presence of proposed defendant is necessary for decision of the suit. Hence, I pass following order:-

ORDER

1. Application is allowed.
2. Mast. Reyansh Sachin Patil be added as co-defendant by carrying out necessary amendment in the title clause of the plaint.
3. Mast. Reyansh Sachin Patil, being a minor, plaintiffs shall take necessary steps for appointing his mother i.e. defendant No.1 as his guardian.
4. Plaintiffs shall supply copy of amended plaint to the Court and for the defendants at the earliest.
5. No order as to costs.

Date :17/12/2024

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