


<u>ORDER BELOW EXH.121 IN R.C.S. No.139/2014</u>	MHLA120003882014 
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ORDER PASSED BELOW EXH.121

Third party applicant No.1 & 2 filed this application under order I Rule 10 of C.P.C. They are seeking permission to include them in this suit. The proposed parties are necessary party to the suit. The suit is for partition of suit property. The defendant no.1 sold the property admeasuring 84.50R. in Block No.231 to Applicant no.2 by registered sale deed no.3763/2023. The defendant no.1 sold admeasuring 1H 20 R in Block No.234 to applicant no.1 by registered sale deed no.3764/2023. Accordingly, applicant no.1 & 2 has right and interest in the suit properties. Consequently, they prayed for including them as a parties to the suit.

2. Plaintiff filed his say behind the same application. She contended that the defendant no.15 is party to the suit in spite of of that defendant no.15 sold the properties to applicants. This is illegal act. Therefore, the applicants are not necessary parties. The fact of transfer of property to the present applicants is known to the applicant when this application is filed. The application is filed only to protract the trial. Hence, she prayed reject this application.

3. Heard the Ld. Advocate of plaintiff. The Ld. Advocate for applicants and defendants are absent. The application is pending since 08.07.2024. The suit is pending since 2014. As per directions of Hon'ble High Court the old matter need to be speedily disposed off. Hence, I proceed without waiting for argument of applicants for avoiding the delay.

4. The plaintiff filed suit for partition of suit properties. The suit

property bearing Block No.231 admeasuring 84.50R sold to the applicant no.2 by defendant no.1 by registered sale deed no.3763/2023. However, the property in Block No.234 admeasuring 1H. 20R sold by defendant no.1 to applicant no.1 by registered sale deed no.3764/2023. Both the sale deeds are executed in 2023. It means it where executed during the pendency of suit. The applicant no.1 & 2 are not parties to the suit. As per the say of plaintiff, she get its knowledge after filing this application. Being transferee during lis pendence of the suit, they are necessary parties to the suit. Considering the nature of suit the applicants are necessary parties. In this circumstances applicant No.1 & 2 are appears necessary parties to the suit.

5. The presence of all parties is necessary. In such circumstances no effective and proper decree can be passed in absence of the proposed applicant No.1& 2. Hence, presence of proposed applicants appears necessary as contemplated under Order-I, Rule-3 of C.P.C. Hence application deserves to be allowed. The applicants purchased that property during pendency of suit. Hence, it is not proper to impose any costs to the plaintiff. Hence the order :

ORDER

1. The application (Exh.121) is allowed.
2. Plaintiff is directed to add the proposed applicant No.1 & 2 as defendant No.17 & 18 on or before next date.
3. Plaintiff to carry out relevant amend on or before next date and Issue suit summons to defendant No.17 & 18.

Sd/-

Place - Nilanga.
Date :- 22/11/2024

(Smt. A. S. Gunjawate)
2nd Jt. C.J.J.D. & J.M.F.C.,
Nilanga