



ORDER BELOW EXH.31.
CNRNO-MHLA150006662018

This application is filed by plaintiff for adding Raghunath Sambha Waghmare and Dnyanoba Sambha Waghmare as defendant no.5 and 6 in the suit.

2. It is submitted that, after institution of suit defendant no.1 has executed the partition deed in favour of his brother namely Raghunath Sambha Waghmare and Dnyanoba Sambha Waghmare and thereby alienated 0.62 R land from and out of gat no.204 of village Janwal Tq. Chakur Dist. Latur in favour Raghunath Sambha Waghmare on 26.12.2018. Mutation entry no. 2473 is effected in the name of Raghunath Sambha Waghmare and Dnyanoba Sambha Waghmare. The said alienation was not within the knowledge of the plaintiff till today. So, plaintiff could not add them as party in the suit. For the proper and effective adjudication of the matter they are required to be added in the suit as defendant no.5 and 6. Hence, plaintiff prayed to allow the application as prayed.

3. Defendants filed their say on the back leaf of the application and stated that, plaintiff had knowledge of shares of legal heirs of deceased Sambha Waghmare at the time of institution of suit. The defendants mentioned in para no.13 about non joinder of necessary parties to the

suit. Plaintiff intensionally prolong the suit. Issues has been framed in the matter. Hence, application be rejected with heavy costs.

4. No argument is made by both the parties. Sufficient opportunity is given to both the parties, but they failed to argue the matter. Hence, application is decided without argument of both the parties.

5. On perusal of 7/12 extract of gat no. 204 filed below exh.33 it appears that after institution of suit defendant no.1 has executed the partition deed in favour of his brother and thereby alienated 0.62 R land from and out of block no.204 of village Janwal Tq. Chakur Dist. Latur in favour Raghunath Sambha Waghmare on 26.12.2018. Mutation entry no. 2473 is effected in the name of Raghunath Sambha Waghmare and Dnynoba Sambha Waghmare. Affidavit of plaintiff no.1 Navnath is filed on record.

6. In view of said submission of plaintiff and affidavit with the application. Suit is for partition of gat bearing no. 204 adm. 46 R situated at Janwal Tq. chakur Dist. Latur. In order to decide the suit the brother of defendant no.1 are necessary parties to the suit. Under such circumstance Raghunath Sambha Waghmare and Dnynoba Sambha Waghmare are necessary parties to the suit. If, proposed defendants are made defendants to the suit then,

no prejudiced will be caused to present defendants. Hence, application deserves to be allowed.

ORDER

1.	Application [Exh.31] is allowed.
2.	Plaintiff is directed to add Raghunath Sambha Waghmare and Dnynoba Sambha Waghmare as defendant no.5 and 6 in the suit.
3	Plaintiff shall carry out the amendment within 14 days from the date of order.

Date : 25.02.2025.

(**V. S. Waghmode**)
Civil Judge J. D. Chakur

CERTIFICATE

I affirm that the contents of this P.D.F file judgment are same, word to word, as per original judgment.

Name of the stenographer	:	M. B. Pathan
Name of the Court	:	Civil J.J.D. & J.M.F.C,Chakur.
Date of Order/ Judgment	:	25/02/2025
Order/Judgment signed by Presiding Officer on	:	25/02/2025
Order/Judgment uploaded on	:	25/02/2025