

:: Order below Exh. 52 ::

01. This is an application under Order-1, Rule-10 of C. P. C. for addition of defendant no. 8 & 9 and consequential amendment in regard to sale-deeds executed in their favour. As per the plaintiff, during pendency of suit some portion of suit lands was sold to the proposed defendant no. 8 Venkat Narayan Biradar and later on he sold said property to the proposed defendant no. 9 Prabhawati Atul Patil. Since, the suit is for partition and suit property being sold to the proposed defendants, they are necessary party to the suit. Further, due to addition of these defendants plaint is also required to be amended for claiming relief in respect of sale-deeds executed in their favour. Hence, plaintiff prayed to allow the application.

2. The proposed defendant no. 9 contested the application by filing say at exh. 65. She has stated that, the earlier sale-deed was executed in the year 1999 and later on the sale-deed was executed in her favour in the year 2017. Since, the sale-deed of 1999 is not challenged within period of limitation, the plaintiff is not entitled to claim any relief in respect of that property. Therefore, the claim of the plaintiff being barred by the limitation, there is no need to add the proposed defendants as party to the suit. Hence, prayed to reject the application.

03. The issue of limitation to plaintiff's claims can not be considered at this stage. The plaintiff's suit is for partition of ancestral properties and some of its portion is purchased by the proposed defendants nos. 8 & 9. Therefore, for proper adjudication dispute, the persons holding interest in the suit properties are required to be

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made party to the suit. Hence, the proposed defendants being purchasers of suit property they are required to be added as defendants. Further, consequential amendment in regard to sale-deeds executed in their favour is also required to be brought on record. Hence, application required to be allowed. Accordingly, following order is passed :

:: Order ::

- 1) Application is allowed.
- 2) Defendant nos. 8 & 9 are added as party to the suit.
- 3) The consequential amendment be carried out in the plaint within 14 days from today.

Date : 16-02-2021.

(U. B. Kalapagar)
Civil Judge Junior Division,
Deoni.

::Certificate::

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

Name of the Stenographer	A. R. Dhage.
Name of the Court	Shri.U.B.Kalapagar, Civil Judge Jr. Division, Deoni.
Date of Dictation	16/02/2021
Order signed by the P.O. on	16/02/2021
Order uploaded on	16/02/2021