

**:: Order below Exh.95 in Reg. Civil Suit No.106/2013 ::**  
**( Sow. Vanita & Anr..Vs..Smt. Prabhawati & Ors. )**

01. This is an application under Order-1, Rule-10 of the Code of Civil Procedure for adding the present applicants as defendants in the suit. As per the applicants, the landed suit property in survey No.29/1/1 is ancestral and it is yet to be partitioned. As per the applicants, they are heirs of Govind Matwad, who is brother of Dattu Matwad. The suit property claimed to be ancestral property of said Dattu Matwad. Hence, applicants are having rights in the suit property. Hence, they are required to be made party to the suit.

02. Application is opposed by the plaintiffs vide say at Exh.98. They admitted relations of the applicants. However, they denied that, the applicants are having any right in the suit property. As per the plaintiffs, the partition between Dattu and Govind was already taken place. The suit properties in the present suit were belongs to Dattu Matwad. Hence, the applicants are not required to be added as party to the suit. Therefore, prayed to reject the application.

03. Heard both sides. Perused record. The applicants are claiming rights in the landed suit property in survey No.29/1/1. As per the applicants, the said property was purchased by selling ancestral property at village, Sayyedpur. At the time of purchase of said property, Dattu Matwad was acting as Karta of the family. Therefore, the said property was purchased in his name. The father of applicant No.1 Govind got 55 R. land in said survey number and he is cultivating the said land from last 30 years. The plaintiffs

denied claim of the applicants. However, at this stage, since the applicants are claiming rights in the suit property, they are required to be added as party to the suit. The veracity of claim made by the applicants will be decided on merit. Hence, the application needs to be allowed. Accordingly, following order is passed.:

**:: O r d e r ::**

- 1) Application is allowed.
- 2) The applicants are added as defendant Nos.7 and 8.
- 3) The plaintiffs to carry out amendment in the plaint for addition of present applicants as defendant Nos.7 and 8.

Sd/-

( U. B. Kalapagar )

Civil Judge Junior Division,

**Deoni.**

Date : 17-08-2021.

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	M.Y. Wadiwale.
Name of the Court	Shri.U.B.Kalapagar, Civil Judge Jr. Division, Deoni.
Date of Dictation	17/08/2021
Order signed by the P.O. on	17/08/2021
Order uploaded on	17/08/2021