

MHLA160007792023



R.C.S. No.289/2023

Shashikala Vs. Babarao

-:: ORDER BELOW EXH.01 ::-

Perused Exh.1 and documents filed along with list at Exh.4. Suit is for partition and separate possession against the father and brothers of the plaintiff. Suit is at the stage of argument at Exh.5. Both parties have concluded their arguments at Exh.5. However, while perusing the documents filed by the plaintiff, it is revealed that vide mutation entry No.113 dated 11/09/1986, suit property was mutated in the name of defendant No.1 Babarao Govindrao Biradar as joint family manager. The said mutation entry No.113 also discloses that defendant No.1 is having six sisters namely Sinabai, Narsabai, Sushilabai, Deubai, Sugalabai and Vimalbai. No documents produced on record show that these sisters of defendant No.1 have relinquished their shares in the suit property. Perusal of written statement at Exh.3 at Exh.26 also discloses that there has not been partition between defendant No.1 and his sisters till today. The suit is for partition and separate possession. Therefore, considering the nature of suit, it appears that sisters of defendant No.1 are necessary party to present suit. Perusal of Exh.1 shows that they are not made party to the suit. Sisters of defendant No.1 ought to have been joined as defendants to the suit. Their presence is necessary in order to enable the Court effectually and completely to adjudicate upon and settled all the questions involved in the suit. Therefore, it necessary to direct the plaintiff under Order 1 Rule 10 (2) of C.P.C. to add sisters of defendant No.1 as mentioned above in the suit. Hence, I proceed to pass the following order.

-:: ORDER ::-

1. Plaintiff is directed to add sisters of defendant No.1

i.e. Sinabai, Narsabai, Sushilabai, Deubai, Sugalabai and Vimalbai as defendants.

2. Plaintiff to amend the suit accordingly within 14 days and copies of amended suit and summons be served upon all new defendants as well as to the original defendants.

Date : 18/02/2025.

(A.P Kollam)
Civil Judge Junior Division,
D e o n i.