

MHND060002362012



R.C.S. No.39/2012

Jairam & Ors. Vs. Govind & Ors.

ORDER BELOW EXH-190 & 194

(Dated 16.03.2023)

Perused applications. The applicants, who are not party to suit, have filed these applications for addition of themselves as a defendants in suit. Thus, they are seeking direction of the Court to the effect to add them as a defendants in suit, inter alia on following grounds :

02. The applicants state that, one Parbatrao was the original owner and possessor of suit property. Said Parbatrao was having six children. Said Parbatrao died in the year 1951. They state that, Jalba was the son of Parbatrao and they are the sons of Jalba. They state that, in Spl.C.S. No.04/1963, compromise was taken place between the sons of Parbatrao. At the time of said compromise, Venkat, who was the son of Parbatrao, was not present. Therefore, his share in property was kept intact. Thus, the plaintiffs have filed suit for partition of the share kept in the name of Venkat. The applicants state that, Jalba was brother of Venkat. Therefore, being heirs of Jalba, they are also having share in suit property. Therefore, they be added as a defendants in the suit. They prayed to allow application.

03. The plaintiffs opposed application and state that, Jalba was the step brother of father of plaintiffs and Venkat. His share was already allotted to him. Therefore, there is no need to add his heirs as a party to suit.

04. Heard both learned advocates. Perused copy of decree filed below Exh-112. It appears that, Jalba was party to Spl.C.S. No.04/1963. The plaintiffs have filed suit for share in the property kept for Venkat. Therefore, considering the relations of parties and nature of suit i.e. for partition, it will be proper to direct the plaintiffs to add the heirs of Jalba as a defendants in present suit. Their presence will help to decide the real controversy between parties to suit. Hence, I pass following order :

..2..

Spl.C.S. No.39/2012,
Ord. below Exh-190 & 194.

ORDER

01. Applications are allowed.
02. The plaintiffs to add the applicants as a defendants in suit.
03. The plaintiffs to carry out amendment within 14 days from the date of this order.
04. The plaintiffs to file amended copy of plaint, so as to serve on newly added defendants.
05. Pronounced in open Court.

Sd/-

(N. S. Budruk)
Civil Judge Sr. Division
Biloli.

Date : 16. 03. 2023.

C E R T I F I C A T E

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

Name of the Stenographer : Syed Iftexharuddin Arifuddin
Court Name : Court of Civil Judge S.D. Biloli
Date : 16. 03. 2023
Judgment signed by the Presiding Officer on : 16. 03. 2023
Judgment/Order uploaded on : 17.03.2023