

RCS No. 203/2015

ORDER BELOW EXHIBIT-20

This is an application filed by third party applicant, Pooja Ravi Ade and Sangita Ravikiran Deshmukh. They are stating that, Dhondiba Nillappa Mahajan was having three sons namely, Subhash, Kailash and Vilas and one daughter Surekha. The son of Dhondiba namely Kailash Dhondiba Mahajan performed his marriage with applicant No.2 and applicant No.1 begotten from the marital relation of applicant No.2 and said Kailash Mahajan. Thereafter, Kailash Dhondiba Mahajan died on 23.6.1998 leaving behind him the applicant Nos. 1 and 2 as his legal heirs and successors. Thereafter, applicant No.2 has performed her second marriage with Ravikiran Deshmukh, but applicants have share in the suit property as legal heirs of deceased Kailash Dhondiba Mahajan. But, with intent to deprive the share of applicants, plaintiff and defendants have filed this collusive suit and they are trying to get collusive decree in absence of applicants. Therefore, applicants be joined as the party as defendants to this suit.

2. The plaintiff has strongly resisted this application by stating that, applicants are not the heirs of deceased Kailash. Applicants belong to other caste and deceased Kailash was unmarried and issueless. Therefore, applicants cannot be joined as party to this suit, therefore, this application be rejected with cost.

3. On going through the overall submissions of Ld. respective Advocates of third party applicants and plaintiff and after perusing

the overall documents produced on record, it is very clear that, as third party-applicants are claiming that, they are having share in suit property, in the suit filed for the relief of the declaration of ownership, applicants are necessary parties to this suit. In such circumstances, if present application is allowed then it would be helpful for curtailing the multiplicity of proceeding and it would be helpful for the proper adjudication of dispute, contrary, if this application is rejected then this third party applicants will have to file another suit and it may create more complications.

4. In above circumstances, if present application is allowed then the correct facts can be brought on record and if this application is allowed then no prejudice would be caused to the plaintiff. Hence, this application deserves to be allowed. So, in the interest of justice, I pass following order.

ORDER

1. Application is allowed.
2. The plaintiff is hereby directed to amend his plaint and to add the third party applicants as defendant No. 4 and 5 to this suit.
3. The plaintiff shall carry out the above stated amendment in plaint within period of 14 days from this order. Further, he is directed to file the copy of amended plaint on record.
4. Cost in main cause.

Date. 25.1.2016

sd
(M. S. Kale)
Civil Judge J.D., Hadgaon.

CERTIFICATE

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

Name of the Stenographer : S.D. Jadhav.

Court Name : J.M.F.C. & C.J.J.D., Court,
Hadgaon.

Date : 25.1.2016

Order signed by the Presiding Officer on : 25.1.2016

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