

ORDER BELOW EXH.13

(Passed on this 14th day of January, 2021)

1] The plaintiff has filed this application for addition of the party defendant no.2 and 3 and for amendment of the plaint in that regard. In short, it is contended that the defendant no.1 has already alienated the suit property to the proposed defendant no.2 and 3 who are her daughter by way of gift deed. The suit is for partition and separate possession thereof. The subject matter of the suit is been transferred to the proposed defendant no.2 and 3 and thus, plaintiff prayed to add them as a party defendant. The learned advocate for defendant filed his say and prayed to pass appropriate order.

2] I heard both the side. Gone through record and proceeding. The defendant in her written statement contended that she has transferred the suit property to her daughter i.e. proposed defendant no.2 and 3 by way of gift deed. It means now it is undisputed fact that the suit property is being alienated to proposed defendant. The suit is for partition and separate possession. Under such circumstances, the proposed defendants in whose favour the property is transferred are becomes the necessary party to the suit. In their absence there cannot be proper adjudication of the dispute. The proposed defendant no.2 and 3 are required to be added as a party defendant, and thus, consequently the amendment in that regard is also required to be

carried out. I find substance in the prayer of plaintiff. The application is deserves to be allowed, hence, I pass following order.

ORDER

- 1] The application is allowed.
- 2] The plaintiff shall add the proposed defendant no.2 and 3 as a party defendant.
- 3] The plaintiff shall carry out the amendment and shall file the amended plaint of record within stipulated time.
- 4] No order as to costs.

Katol.
Date : 14-01-2021.

(M. V. Chavhan)
Civil Judge Junior Division,
Katol.

C E R T I F I C A T E

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

Name of Stenographer : A.P. Dharmik