

Order below (Exh. 28)
(Passed on 16/09/2022)

This is an application filed by the plaintiff under Order I Rule 10 of The Civil Procedure Code, 1908 (in short 'CPC') for addition of parties.

2. In short, the plaintiff submitted that he has filed suit for injunction against the defendant. The matter was same for mediation. The plaintiffs applied for measurement of his property. The plaintiff has filed on record the the measurement map on the record. From the said map it was came into the knowledge of the plaintiff that Prakash Hajare and Vinod Hajare have made encroachment over the property of the plaintiff. They have made construction over the suit property illegally. Therefore, it is necessary to add Prakash Hajare and Vinod Hajare as a defendant in the present suit for adjudication. Hence, plaintiff prayed to allow the application and grant permission to add proposed defendant in the suit.

3. The existing defendant filed his say below Exh. 30 and submitted that the plaintiff has not made any pleading in respect of proposed defendants. The plaintiff has not given sufficient reasons or cause for joining

proposed defendants. Hence, he prayed to reject the application. The proposed defendants also filed their say below Exh. 31 and submitted that they are not the relevant parties to the suit. The plaintiff has not filed any document on record to show the encroachment. The proposed defendants neither encroacher nor the owner of the suit property. Hence, proposed defendants prayed to reject the application.

3. Perused the application, say and record. On perusal of record it appears that present suit has been filed for perpetual injunction against the defendant for not creating any encroachment over the suit property. The plaintiff has filed on record the public notices issued in daily news paper regarding the encroachment made by the proposed defendants. He has also filed on record the complaint made to the Gram Panchayat, Bidgaon regarding the alleged encroachment by the proposed defendants. The plaintiff wants to claim relief against the proposed defendants. Hence, it is necessary to add them in the suit. The proposed defendants will have right to defend the case. No prejudice will be caused to any party if the proposed defendants are added in the suit. On the contrary it will help to decide the case on merit.

Therefore, to avoid to multiplicity of proceeding and for proper adjudication of the matter, the application needs to be allowed. Hence, I pass following order :

ORDER

1. The Application is allowed.
2. The plaintiff is allowed to add proposed defendants in the present suit.
3. The plaintiff is allowed to carry out amendment within 14 days from the date of this order.
4. The plaintiff to file amended plaint accordingly.
5. No order as to costs.

Kamptee

Date : 16/09/2022.

(Shri. Sagar S. Jadhav)
2nd Jt. C.J.J.D., Kamptee.