

ORDER BELOW EXH.41

(Passed on 08.04.2025)

This is an application filed by the plaintiff under Order I Rule 10 of CPC for addition of party. It is the contention of the plaintiff that during the pendency of the suit defendant nos.1 to 6 have executed a sale deed of field Survey No.195/1 in favour of the defendant nos.11 and 18 on dated 20.09.2024 through registered sale deed bearing no.2324/2024, therefore the proposed defendant no.18 is the necessary party to the suit to decide the real controversy between the party. Hence, he prayed for permission to add the defendant no.18 i.e. the purchaser pendent lit.

02. The defendant nos. 11 and 18 have filed their say at Exh.55. They have submitted that the plaintiff has failed to file the copy of the sale deed on record hence in the absence of the document application may be rejected. The proposed defendant are the bonafied purchaser of the suit property. After the sale deed they are in the possession of the suit property as per the revenue record. Lastly, they stated that appropriate order may be passed.

03. Heard the Ld. Advocate Shri. P. R.Naikwade and Ld. Advocate Shri. H.J. Tajne appearing for the plaintiff and defendants respectively at length.

04. It is not disputed that during the pendency of the suit defendant nos. 1 to 6 have executed a registered sale deed no.2324/2024 dated 20.09.2024 of field Survey no.195/1. The plaintiff has filed the suit for declaration and permanent injunction in

which he has stated that his field is situated towards the southern side of the field Survey no.195/1. There is some clerical error in the revenue record, therefore to rectify that error plaintiff has filed the petition before the revenue authority. But, defendants nos. 1 to 6 are taking the disadvantage of the mistake committed by the revenue authority and disposing of their field Survey No.195/1. Therefore, to decide the real controversy between the party, the present owner are the necessary to the suit. The defendant nos. 11 and 18 have purchased the field Survey No.195/1 during the pendency of the suit, hence they are need to be added as a party. Considering the above discussion, I proceed to pass following order -

Order

1. Application Exh.41 is allowed.
2. The plaintiff is hereby directed to carryout the amendment and add the name of Shri. Rohit Bhaskar Sonare as a defendant no.18 in array of the plaint and file the amended copy of the plaint on next date.

Place : Saoner.
Date : 08.04.2025

(S. A. Sardar)
Civil Judge Senior Division,
Saoner, Dist. Nagpur.