

ORDER BELOW EXH.157(Passed on 12th day of November, 2025)

This is an application filed by interveners under Order I Rule 8 and 10 of C.P.C.. It is the contention of interveners that they have purchased property bearing property/House no.93, 106, 107, 108 and 109 vide registered sale deed dated 13.10.2021 from defendant nos. 1 to 3 along with one Basantkumar Mangru Tripathi within the local limits of Gram Panchayat Pota (Chankapur) (hereinafter called as a G.P.). Applicants/interveners are the legal owners and possessors of the house properties standing on open plot. They were not aware about the pendency of instant civil suit and also at the time of sale deed even defendants or the plaintiff did not informed them about the pendency of the present suit. Applicants/interveners are the bonafide purchaser of their respective properties without notice of the pendency of the instant litigation. They got the knowledge regarding the pendency of this case in the month of May, 2025. Therefore, it is very essential to add applicants/interveners as a defendants to have an opportunity of chance of hearing in the instant matter. Hence, they prayed to direct the plaintiff to add them as a defendants and to provide the copy of the plaint and documents.

02. Application is strongly opposed by the plaintiff by filing his say at Exh.159. It is his contention that the application is false and not tenable and bad in the eyes of law. No intervention of any stranger is recognized in the eyes of law in the pending suit. The plaintiff being "dominous-litus" the plaintiff cannot be forced to join

any person who according to him is not a necessary and proper party. The suit property is admittedly an agricultural land. The defendant himself advocates of that the suit property is an agricultural property in his deposition. He has not whisper about the conversion of the property from agricultural to residential, therefore, there arises no question of considering the story put up by the applicant. Hence, he prayed to reject the application.

03. Heard the Ld. Advocate Shri. C. S. Lahabar appearing for interveners and Ld. Advocate Shri. S. M. Pande appearing for the plaintiff at length.

04. On perusal of record it reveals that the suit property is field Survey no.184 admeasuring 0.66 H.R. and land Survey No.165 admeasuring 0.81 H.R. out of total area 1.90 H.R. situated at Mouza – Chankapur, P.H.No.53, Tahsil - Saoner, District – Nagpur. Whereas the property/plots purchased by interveners from defendant nos. 1 and 2 is G.P. property/House no.93, 106, 107, 108 and 109 situated within the jurisdiction of the G.P. Ward no.2, Bandobast no.71 of village Chankapur, Tahsil - Saoner, District- Nagpur. Intervenors have filed the sale deed along with the tax receipt issued by the Secretary, G.P. of House No.93, 106, 107, 108 and 109 along with the certificate, that all these properties are within the area of the G.P. and also these house numbers are shown in the register of Namuna-8 kept by the G.P. The suit property are field and the property purchased by interverners are houses/plots. The suit property is assets to revenue whereas these plots are not assets to revenue. As there is no any nexus in between the suit property and the property purchased by applicants/intervenors. Hence, intervenors/applicants

are not the necessary or the essential party to the suit. In the light of above discussion, Hence, I proceed to pass following order :-

ORDER

1. The application Exh.157 for addition of party as per Order 1 Rule 8 and 10 of C.P.C. is hereby rejected.

Saoner
Date : 12.11.2025

(S. A. Sardar)
Civil Judge Senior Division
Saoner.