

ORDER BELOW EX. 57

(Passed on 08/6/16)

1. Plaintiff has moved this application to add defendant No. 4 defendant in the suit under Order I Rule 10 of Civil Procedure Code. Counsel for defendant filed his reply on the same application. Heard learned counsels for both parties.

2. The counsel for plaintiff submitted that after amending written statement by defendant the plaintiff came to know that defendant No. 1 sold out property to proposed defendant No. 4 and the said property yet not to be partitioned among the legal heirs of the Narayan Hadke therefore it is required to add the purchaser as defendant No. 4. On the other hand the counsel for defendant opposed the application and submitted that there is no ground for adding proposed defendant No. 4 and application is devoid of any substance therefore it be rejected.

3. After perusal of record it appears that the plaintiff has filed the suit for declaration, partition and separate possession and permanent injunction. According to plaintiff, he has share in the suit property. Earlier defendant has not given the specific description of property in his written statement but after amendment he brought the fact of selling property to Namdeo Shivaji Raut by defendant No. 1 on record therefore considering the nature of suit I arrived at the conclusion that purchaser Namdeo Raut is a proper party and if application is allowed no prejudice would be caused to the opposite party hence application stands allowed.

Umrer.
Dt. 08/06/16

(Ms.V.R.Jambhule)
Civil Judge(Jr.Dn.), Umrer.

