

RCS No.161/12

ORDER BELOW EX.119

(Passed on the 09/11/2017)

1. This is an application filed by third party Jaiwantabai to be impleaded as defendant into the present suit. Say of parties was called for. Defendant No. 4 has filed say at Ex. 120 and defendant No. 1 has filed say below the application. None other parties have filed any say.
2. Third party applicant and her advocate his absent. Heard ld. Adv. Pongde for defendant No. 1.
3. Ld. Adv Pongade submits that, the application is false and frivolous. Genealogy as shown in pleadings of plaintiff do not reveal any relations of the third party applicant.
4. Perused the pleadings. This is a suit for partition of joint family properties. It is the case of plaintiff that, the properties originally belonged to common ancestor Sitaram. The genealogy reveals that, it has passed hands with one Narayan Hadke. The plaintiff claims through Narayan Hadke. It is the case of third party applicant that she is the sister of Narayan Hadke. Defendant No. 1 and 4 have opposed the same. However, the fact can be decided only upon evidence. As, third party applicant claims to be sister of Narayan Hadke, she becomes a joint family member and can claim share. She therefore appears to be a necessary party. Although, the

suit has proceeded further, even at this stage in order to avoid any multiplicity of proceedings. I find it just and proper that, the third party applicant is impleaded as a defendant. The application deserves to be allowed. Hence the following order :-

ORDER

- 1.Application is allowed.
- 2.Plaintiff to add third party applicant as additional defendant.
3. Plaintiff to amend the suit title accordingly within 14 days.

Umrer.
Dt. 09/11/17.

(S.V.Deshmukh)
Civil Judge, Jr.Dn., Umrer.