

**R.C.S.No.195/2017**

**Chintaman & oth .vrs. Mukunda & oth**

**COMMON ORDER BELOW EXH.37 & 38**

(Passed On 10<sup>th</sup> March, 2021)

1] Plaintiff filed applications under Order 1 Rule 10 and under Order 6 Rule 17 of C.P.C. He submitted that he came to know that certain properties are not included in plaint and property is ancestral, therefore, mother has also share in the property. Therefore he wanted to add necessary party. Applicant in his application below Exh.38 stated that he requested previous Counsel to include all properties in plaint but he has not clubbed all properties, therefore, he wanted to add Gat No.330/3, Gat No.330/1/1, area 2.00 H.R. and 2.00 H.R. He also wanted to add house property CTS No.366, area 9.3 sq.mtr. Gram Panchayat House Property No.73. He wanted to add para no.2-B and 3-A after para no.3. He also wanted to add para no.11 and prayer clause No.1-A.

2] Defendant No.2 filed his say at Exh.39 and Exh.40 and opposed applications in toto.

3] Heard learned counsels for both sides. This is suit for partition and separate possession of ancestral property, therefore, as per law, all Share Holders are necessary parties and suit of partial property is not maintainable. Therefore if application is not allowed, plaintiff will suffer irreparable injury. He could not get relief from

the court. Trial is not commenced, therefore, no prejudice will cause to defendant if application is allowed. Hence, I pass following order :-

**ORDER**

- 1) Applications are allowed.
- 2) Applicant is permitted to add Suman Mukunda Menghare as necessary party by incorporating necessary amendment in his pleading.
- 3) Applicant permitted to amend his pleading, within 14 days.

Umrer.

Dt.10/03/2021