

RCS No.70/2016
Shradha.vrs. Dilip

ORDER BELOW EXH.65

(Passed on the 27th August, 2020)

1] Applicant Pratibha Arvind Wankhede filed application under Order 1 Rule 10 of Code of Civil Procedure. She submitted that suit property is ancestral property so present applicant having share in the property with defendant No.4, hence, applicant intent to add as plaintiff No.2. If applicant added as plaintiff No.2, nature of suit is not going to change and help proper adjudication of matter and prevent multiplicity of proceeding.

2] Defendant filed his say and opposed the application. He submitted that already objection of non-joinder necessary party is taken in Written Statement even then defendant continue the suit. Affidavit of evidence is filed on 1.7.2019. Trial of case is begun. Application is baseless, hence, liable to be rejected.

3] Heard learned counsel for both sides. Perused pleading and documents on record. It is not disputed that suit property is ancestral property of defendant. Applicant is wife of defendant No.4. During lifetime of defendant No.4, plaintiff cannot be considered as co-parcener in suit property. She does not have any independent status as per section 8 and first schedule of Hindu Succession Act in ancestral property during lifetime of husband, therefore, she is not

necessary party in the suit. Suit filed by her as guardian of her daughter. Therefore, she can contest suit through her daughter only. Application is not tenable. Therefore, from discussion above, I pass following Order :-

ORDER

Application is rejected.

Umrer.

Dt.27/08/2020.