

R.C.S.No.115/2016
Atharv & oth .vrs. Shivkumar & oth

ORDER BELOW EXH.47
(Passed on 10th March, 2021)

1] Plaintiff filed application under Order 1 Rule 10 of C.P.C. for addition of parties. He submitted that he filed suit for partition and separate possession and declaration. The suit is pending for evidence. At the time of preparing evidence of affidavit, he came to know that name of brothers of defendant are recorded in City Survey No.323, Sheet No.60. They are not made parties to the suit. Hence, they are required to made parties. They are necessary parties, hence, required to add in suit.

2] Defendant opposed the application and submitted that property card of Bhumapan No.323 is not filed. Plaintiff has not filed application under Order 6 Rule 17 of C.P.C.. No show cause Notice is issued to proposed defendants. Hence, application is liable to be rejected.

3] Perused application and say. Heard learned counsel for plaintiff Mr. A.B. Pongde. Learned counsel for defendant is absent when called. In suit for partition, all share holders are necessary parties without which suit cannot be effectively adjudicated. Therefore, presence of brother of defendant No.1 in this suit is necessary. Therefore, I pass following order :-

ORDER

- 1) Application is allowed.
- 2) Applicant is permitted to add Krushnakumar Rupalalji Jaiswal and Ashokkumar Rupalalji Jaiswal as defendants.
- 3) Applicant is directed to amend his pleading, within 14 days.
- 4) Concerned Clerk shall issue suit summons to newly added parties.

Umrer.

Dt.10/03/2021