

IN THE COURT OF CIVIL JUDGE, SENIOR DIVISION, RAMTEK.

Reg.C.S. NO. 51/2023

Sanjivkumar Bisandas Bhardwaj V. Virendra Vinayak Bonkar and other.

ORDER BELOW EXH.183

(Passed on 18.09.2025)

The plaintiff has filed an application under Order-1 Rule-10 read with section 151 of Code of Civil Procedure. Learned advocate of the plaintiff has submitted that during pendency of the suit, original defendant no.1 expired and his legal heirs were sought to be brought on record. The some of the portion of suit properties was in the possession of defendant no.1 and after his demise, proposed defendant no.5 Vishakha has taken over the possession of the remaining portion of the suit properties and she also moved an application to proposed defendant no.6 for disconnection of electricity supply to the suit property. Both the proposed defendants are attempting to dispossess plaintiff from the suit property, therefore, proposed defendants are necessary parties and they need to be added as defendant no.5 and 6 for complete and effective adjudication of the suit.

2. On the other hand, proposed defendant no.6 has filed his reply at Exh.189. The proposed defendant has stated that, it is a public sector undertaking and has no concerned with the private dispute between the plaintiff and original defendants and there is no cause of action against the proposed defendant no.6.

3. Whereas, proposed defendant no.5 has stated that, she is owner of the suit property on the basis of gift deed executed by original defendant no.1.

4. Heard both sides. It is to be noted here that the proposed defendant no.5 has claimed ownership right in the suit property on the basis of gift deed. Therefore, proposed defendant no.5 needs to be added in

the suit as defendant no.5 as she is necessary party and without her presence, suit can not be effectively adjudicate.

5. Whereas, considering the status of proposed defendant no.6, it is to be noted that, there is no cause of action against proposed defendant no.6 and acts done by the defendant no.6 are purely on the administrative side on consumer request. The presence of proposed defendant no.6 is not required to adjudicate present suit. If, present plaintiff has any grievance against the proposed defendant no.6, he can resort to the proper forum i.e. consumer court or other appropriate authority. The proposed defendant no.6 is neither necessary nor proper party. Under these circumstances, present application needs to be partly allowed. Hence, I pass following order-

ORDER

- 1] Application is partly allowed.
- 2] Plaintiff is directed to add the proposed defendant No.5 as a defendant in the suit.
- 3] Plaintiff is also directed to carry out necessary amendment in the plaint.
- 4] Plaintiff is also directed to file amended copy of the plaint on the record.
- 5] The prayer to add proposed defendant no.6 is hereby rejected.

Dated : 18/09/2025.
Ramtek.

(S.M. Sarode)
Civil Judge, Sr.Dn.
Ramtek.

CERTIFICATE

I affirm that the contents of this P.D.F. file of order are same word to word as per original order.

Name of Stenographer : R. J. Khobragade (Gr.II)