

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

**R.C.S. NO. 81/2023**

**Ismail Issac Shaikh Vs. The Collector.**

**ORDER BELOW EXH. 43**

(Passed on 24.11.2025)

The plaintiffs have filed an application under Order-1 Rule-10 of the Code of Civil Procedure. Ld. advocate for the plaintiffs has submitted that, during pendency of the suit, proposed defendant no.7 and 8 have constructed meeting hall on the suit property and thereby causing hurdles in the enjoyment of the right of plaintiffs in respect of air and light, therefore, under these circumstances, proposed parties are necessary parties for effective adjudication of the case, therefore, present application be allowed.

02] On the other hand, the proposed parties have filed their reply at Exh.53. The proposed parties have opposed application on the ground that mandatory notice under section 80 of the Code of Civil Procedure has not been served against the proposed parties, therefore, present application is not maintainable. Furthermore, there is no pleading as to why, proposed parties are necessary parties for the adjudication of the present case.

03] Heard both sides. It is to be noted here that, the proposed parties are admittedly government parties. It needs to mention here that, it is settled position of law that, before imp leading government parties in the suit, service of notice on the government parties under section 80 of the Code of Civil Procedure is mandatory and same can not be dispensed with.

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04] In the instant case, it is seen that, the plaintiffs have failed to issue notices to the government parties as per section 80 of the Code of Civil Procedure before filing present application.

05] Considering this aspect, I hold that, the present application is not maintainable without proper compliance of section 80 of the Code of Civil Procedure. Thus, present application needs to be rejected. Hence, I pass following order:

**ORDER**

1] Application stands rejected.

Dated : 24/11/2025  
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  
Stenographer Grade-II