

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

**Regular Civil Suit No. 81 of 2023**

Ismail Shaikh and others ... Plaintiffs

Versus

The Collector and others ... Defendants

**ORDER BELOW EXHIBIT – 62**

*(Passed on 5th February, 2026)*

The present application is preferred by the plaintiffs seeking addition of proposed parties as per order-I rule 10 of the Code of Civil Procedure. Learned advocate for the plaintiffs has submitted that the plaintiffs have instituted the present suit seeking declaration of title, removal of alleged encroachment and permanent injunction in respect of the suit property situated at Parseoni, Tahsil Parseoni, District Nagpur. It is their specific case that they are owners and possessors of the house and shop property adjacent to the suit property as reflected in the municipal and revenue records, and that the suit property is bounded by public roads on the North–South East and West sides. The existence of a public road and a Mahatma Gandhi statue in the vicinity is also pleaded, indicating the public character of the surrounding area.

2) Learned advocate of the plaintiffs has further submitted that, during the pendency of the suit, it is alleged that defendants proposed to undertake and have in fact commenced construction of a community hall (Sabha Mandap) on the disputed site by bringing construction material and carrying out measurement and preparatory works. The plaintiffs contend that such construction activity has been undertaken without authority of law and in disregard of the pendency of the present proceedings, thereby giving rise to a fresh and continuing cause of action directly impacting the suit property and the reliefs claimed in the suit.

3) Learned advocate of the plaintiffs has further submitted that, the construction activity is being carried out through the Public Works Department and a private contractor, whose presence and acts are directly connected with the subject matter of the suit. It is pleaded that the impugned construction is likely to obstruct access to the plaintiffs' house and shop, adversely affect their right to light and air, and impair the enjoyment and use of their property, which is also a source of livelihood. Thus, the alleged acts of the proposed defendants have a direct bearing on the effective adjudication of the dispute.

4) Learned advocate of the plaintiffs has further submitted that, though an earlier attempt to implead certain authorities was rejected on technical grounds relating to statutory notice, the plaintiffs have thereafter complied with the requirement of notice and have again sought impleadment of the concerned Executive Engineer, Sub-Divisional Engineer of the Public Works Department and the contractor who is executing the work. The material placed on record prima facie indicates that the said persons are directly involved in the acts complained of and that their presence is necessary for a complete and effectual adjudication of the controversy involved in the suit.

5) On the other hand, the proposed defendants have filed their reply at Exh.75 and strongly object their inclusion in the suit.

6) Heard both the sides. Considering the nature of suit and material including photographs placed on the record, the proposed parties are required to be added as defendants in the suit as the proposed parties are directly involved in the subject matter and their presence is necessary to adjudicate controversy between the parties. Thus, present application is deserved to be allowed. Hence, I pass following order-

**ORDER**

1. The application stands allowed.
2. The plaintiffs are directed to carry out necessary amendment in the plaint and supply copies of plaint, application for temporary injunction and other necessary documents for each party.

Dated : 5.02.2026.  
Ramtek.

(S.M. Sarode)  
Civil Judge Senior Division,  
Ramtek.

**CERTIFICATE**

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

Sau. R. J. Khobragade, Stenographer(Gr.II)