

**Regular Civil Suit No.14/2015**  
**(CNR No.MHNG14-000196-2015)**  
**Rishi/Baban & others**

**ORDER BELOW EXH.42**

(Passed on 14<sup>th</sup> day of March, 2018)

1. The applicants have filed this application under Order I Rule 10 of Civil Procedure Code for adding them as party plaintiffs. They have contended that they are the real sisters of plaintiff and niece of the defendant no.1. The suit property involved in this case originally belonged to Ramji Jibal Nimbulkar who died intestate and after his death it was devolved to his son (defendant no.1) and daughter late Sakwarbai (mother of plaintiff and applicants). Thereafter late Sakwarbai too died intestate, therefore the present applicants alongwith plaintiff have share in the suit property.
2. The plaintiff filed his say vide Ex.43 and thereby gave his no objection. The defendant no.1 has filed his reply vide Exh.44 and opposed the application mainly on the ground that the instant application is barred by law, so also as per the Hindu Succession Act, the applicants have no right in the suit property. On the other hand, the defendant nos.2 and 3 have filed their say below the application. They have opposed the application mainly on the ground that the applicants have no right to file the application, as such it is not tenable.
3. Heard both the sides. Perused record.

4. The plaintiff has filed this suit for declaration that the sale deeds executed by defendant no.1 respectively in favour of defendant nos.2 & 3 and 4 are not binding upon him and that the relinquishment deed pretended to have been executed by late Sakwarbai, is false. Therefore, serious question as regards validity of sale deeds and relinquishment deed is involved and to be tried by way of this suit. So also, it is admitted position on record that the plaintiff and applicants are related to each other as brother and sisters. In such circumstances, unless and until all the legal heirs of late Sakwarbai are given an opportunity of being heard, the justice would be incomplete. Apart from it, it is pertinent to mention here that the plaintiff has given his no objection if the instant application is allowed. Apart from it, no prejudice would cause to defendants if the instant application is allowed, as they shall have every opportunity to meet with the case. Further, to avoid multiplicity of litigations, it is fit to add proposed applicants as necessary party to this suit. Hence, in view of above, I proceed to pass the following order-

### **ORDER**

1. Application Exh.42 is hereby allowed.
2. Plaintiff to add proposed applicants as party/plaintiffs to this suit.
3. Plaintiff is directed to carryout amendment in plaint within 14 days from the date of this order and shall also file the copy of amended plaint.

Parseoni.  
Date-14.03.2018.

(S.D. Wankhede)  
Civil Judge, Jr.Dn., Parseoni.

**CERTIFICATE**

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

**Name of Stenographer**-Abhijit Yeshwant Kulkarni