

ORDER BELOW EXH-88
(Dated 11th day of February 2022)

This is the application filed by the plaintiff No.1 for grant of permission to add Dilip Khemchand Wadhani, Bijal Dilipbhai Patel and Bhaiyyaji Pandurang Gadhave as defendant Nos. 4,5 and 6 being necessary parties to this suit. It is the contention of plaintiff No.1 that during the pendency of the suit, defendant Nos.2 and 3 sold some portion of suit property i.e. 2 H 13 R land to Dilip Khemchand Wadhani and Bijal Dilipbhai Patel through registered power of attorney dated 13.8.2020 executed by Bhaiyyaji Pandurang Gadhave. In view of that sale deed these persons are in possession of that portion out of suit property and defendant Nos. 2 and 3 are not in its possession. Therefore, the person in whose favour that sale deed is executed and the person who has executed that sale deed are necessary parties to this suit. Hence, plaintiff No.1 prayed for grant of permission to add their names as defendant Nos. 4 to 6 being necessary parties.

2. Say of the defendants was called, but they not filed their say. Hence, this application proceeded without say of the defendants.

3. Heard learned counsel for the plaintiffs. Counsel for the defendants remained absent. It appears that this suit is for declaration, injunction and for damages. If the portion of the suit property during pendency of this suit is sold to other persons then those persons becomes necessary parties to this suit. Therefore, they are required to be made parties to this suit. Hence following order :-

ORDER

1. This application is allowed.
2. Plaintiff No.1 is permitted to add the names of Dilip Khemchand Wadhani, Bijal Dilipbhai Patel and Bhaiyyaji Pandurang Gadhave as defendant Nos. 4,5 and 6.
3. After carrying out amendment, issue summons to the newly added defendants for filing their written statement and for settlement of issues on P.F.
4. Cost in cause.

Date : 11-02-2022

(Shri. S.P. Wankhade)
Civil Judge Jr.Dn. Mouda