

Regular Civil Suit No. 45 of 2012.

Manohar Pandurang Gangurde
Versus
Arvind Vasant Gangurde and others

Order below Exh.56.

1. The plaintiff has filed this application under O.1 R.10 of Civil Procedure Code.
2. The plaintiff claims partition and possession of ancestral properties. As it revealed through the defence that some of the parties are remained to be added as defendants. Therefore, to avoid multiplicity of litigation, plaintiff has moved this application.
3. The defendants have given their say on the backside of the application and opposed the same on the ground that said application came to be filed after delay of five years only with an intention to defeat the justice and therefore, it be rejected with costs.
4. Heard all the Advocates for respective parties. Perused the application.
5. It reflects that defendant no.2 had a son who was died having legal heirs and defendant no.3 had also a son who was also died having legal heirs. But due to oversight, those persons remained to be added as defendants. The suit is for partition and therefore, it is necessary to add all the concerned parties in the suit. Hence, it will be just to allow the plaintiff to permit to array the proposed defendants. However, the plaintiff has made five

2.

years delay for seeking such relief and thereby caused huge delay. Therefore, plaintiff is liable to pay costs to defendant no.1. Hence, in the interest of justice and to avoid the multiplicity of litigation and complications in the suit, following order is passed.

ORDER

1. Application (Exh.56) is allowed.
2. Issue show cause notices to proposed defendants as to why they should not be made as defendants in this suit on P.F. subject to cost of Rs.2,000/- (Rupees two thousand) to be paid to defendant no.1.

Date : 26/06/2014.

Sd/-
(S.B. Dige)
Civil Judge Junior Division,
Pimpalgaon (B.)